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CURRENT TOPICS.

WITH THE COMMENCEMENT of the sittings on Tuesday last the majority of the judges were to be found in their places, the most notable absentees, for causes unknown, being the Lord Chief Justice and Mr. Justice NORTH. The Lord Chief Justice took his seat on Wednesday, but Mr. Justice NORTH was not at his post until Thursday. Accustomed as the profession are to losing the services of this learned and esteemed judge for one day at the beginning of the sittings, and occasionally one day at the end, some adverse remarks on this extra two days' holiday have not unnaturally found expression.

THE RETURN of Mr. Justice KAY after his illness was greeted with a congratulatory speech by the Attorney-General. The learned judge's health has improved, but his appearance on the first day of the sittings gave the idea that a few days' more rest would in his case have proved serviceable. Since that day, however, he has appeared more fitted for his work, and likely to realize the hope he himself expressed that he should be able to perform his duties.

A SHORT ACT, which became law on the 22nd ult. (53 Vict. c. 7), and which is to be cited as "The Commissioners for Oaths Amendment Act, 1890," provides that "An affidavit to be used in a county court may be sworn before any commissioner to administer oaths in the Court of Chancery of the county palatine of Lancaster not being a registrar of a county court."

WE REPORT elsewhere a case of *Reg.* v. *Judge of the City of London Court*, which should operate as a caution to those members of the profession who make use of type-writers in producing copies of affidavits and other documents. There does not appear to be any objection to filing type-written affidavits, provided that the type-writing be done in the method prescribed by the practice and rules of court. In the case mentioned the affidavits were type-written on one side of the paper only, and the Divisional Court was clearly of opinion that affidavits so written ought not to be filed, as they do not comply with ord. 38, r. 7, which requires affidavits to be written or printed "*bookwise*." The term "bookwise" is not, perhaps, the most unmistakably definite expression which could be used; but (for a rule of court) it is as clear as can be expected. It may be taken to mean that an affidavit is to be written or printed continuously, without a break, from page to page, like a book, the writing to be on both sides of the paper. It certainly does appear advisable that there should be no relaxation of this rule, which is based on the old practice of the Court of Chancery as to affidavits. No rule ought to be relaxed which is designed to prevent fraudulent alteration of a sworn document between the time of its being sworn and the time of its being filed or used. It is obvious that it would be an easy matter for a dishonest person to tamper with an affidavit written only on one side of the paper, by filling up the blank sides with statements which had never been sworn to. The only safeguard against such a possibility is for

commissioners for oaths to refuse to swear affidavits drawn in such a manner, and the only way in which the court can keep commissioners informed of their duty in this respect is by rigidly refusing to file affidavits so written and sworn to.

We reprint in another column the latest edition of the Public Trustee Bill, which was in the paper of the House of Commons to be read a second time on Thursday last. The clause (12) relating to the employment of solicitors remains unaltered, but we hope that in sub-clause (2) the words "he *shall*, on the application or with the assent of any of such persons," will be substituted for "he *may*, on the application," &c. As the clause stands at present, there is nothing to oblige the public trustee to give effect to the wish of the beneficiaries that any particular solicitor shall be employed in the trust matters instead of the solicitor of the public trustee. We print elsewhere in full the report of the Liverpool Law Society on this Bill, and again desire to draw special attention to their observations on the fact that under it officialism, "although sometimes voluntarily adopted by a settlor, may in other cases be compulsorily imposed," and to their remarks on the clause which requires the court having jurisdiction in probate matters to consider the public trustee as in law entitled equally with any other person to a grant of letters of administration. "It is easy," they say, "to foresee that in every case of a family dispute the public trustee would naturally be selected by the court in preference to one of the next of kin." We have previously pointed out that, under clause 2 of the Bill, the court may appoint the public trustee sole trustee of any English will or settlement.

The Court of Appeal, in *Re Sharp, Rickett* v. *Sharp* (which we report elsewhere), have thrown some little light on the meaning of the curious expression sometimes used in investment clauses—"*public* company." But why the word "public" should be used, we have never been able to understand, and the decision does not help us to an answer. In the case before the court, the term was used in conjunction with a prior specification of railway companies—"debentures or securities of any railway or other public company"; from which it was suggested that the term "public company," as used in that particular case, meant a company constituted by a special Act of Parliament, in the same way as railway companies are constituted; or, at all events, a company formed for the purpose of carrying on a business analogous to that of a railway company. But the Court of Appeal held that the term "public company," even as used in that particular case, included companies incorporated under the Companies Act, 1862; such companies owed their existence to a particular Act of Parliament, and their memoranda and articles of association were public documents, and their shares were transferable. Companies possessing these characteristics could not, Lord Justice Cotton said, be excluded from the description of "public companies." From which the somewhat odd result would appear to follow that, where an investment clause expressly restricts investment to debentures of "*public* companies," it will nevertheless authorize investment in the debentures of the so-called "*private* companies" which have become so numerous of late years; for these have all the above-mentioned characteristics.

We give elsewhere the purport of a report by the Council of the Incorporated Law Society, and a report by the Associated Provincial Law Societies, on Sir Albert Rollit's Bankruptcy Bill. The concluding sentence of the latter sums up with admirable terseness and truth the really important point connected with the principle of this and other recent measures. "The Bankruptcy Act, 1883," the societies say, "intrusted to the Board of Trade a large amount of work, legal and administrative, which had previously been in the hands of professional men in London and the country, and, as has been already pointed out, the chief object of the present Bill is to extend and complete this system of centralized office management. The Companies Winding-up Bill of the present session is framed on the same principle. The Land Transfer Bills of 1888 and 1889 were an attempt to deal with conveyancing business in exactly the same way. If this process is suffered to go on, England will soon become, in many important respects, as bureaucratically governed as any continental nation. The attention of solicitors in the country is directed to this point, with the view of their taking concerted and immediate action upon it." These are wise and weighty words, stating, far better than we have ever stated it, the tendency against which we have unceasingly protested during the last few years. Future historians will have to note with amazement that a Government which has for its head an eminent statesman who jeers at the attempts of "our grandmother the State" to manage everything, and for its Lord Chancellor a lawyer who is generally understood to dislike innovations and Socialism almost as much as tobacco smoke, and to have framed his political views on those of Lord Eldon, should have attempted more in the direction of bureaucratic government than any Administration of recent times. We earnestly hope that the Association of Provincial Law Societies will take measures to carry out their suggestion of "concerted and immediate action" upon this most important matter.

It will be observed that, in both the reports above alluded to, it is remarked that no reason can be discovered for the proposed change enabling a creditor for £20 to force immediate bankruptcy. It is quite in accordance with the recent strange inversion of opinions hitherto held that "B." (presumably Lord Bramwell, the chief opponent hitherto of the interference of "our grandmother the State") should come forward in the *Times* of Thursday to defend the provisions of Sir Albert Rollit's Bill, so far as it provides for the reduction of the amount of the petitioning creditor's debt, and for the practical extinction of private deeds of arrangement. His argument appears to be mainly based on the assumed fact that, practically, no one but a single creditor for £50 can present a petition. He points out that, according to a parliamentary return, "it appears that of the total number of creditors in bankrupt estates, there is only about one-tenth whose claims exceed £50. The proportion in the High Court is somewhat higher, but in the twelve largest districts throughout the country the figures for the six months ending 31st December last are as follows:—Number of creditors of £50 and upwards, 1,894; ditto, below £50, 16,757"; from which he concludes that "only the merest fraction of the creditors throughout the country *have power to resort to the Bankruptcy Court*, and probably this accounts to a large extent for the number of private deeds of arrangement, which are carried through outside of the provisions of the Bankruptcy Act." That would be a forcible argument if it were the fact that a petition must necessarily be presented by one creditor whose debt amounts to £50. But Lord Bramwell is, of course, perfectly well aware that any two or more creditors, whose debts together amount to £50, can combine to present a petition; and, indeed, in two lines of his letter (very likely to be overlooked by lay readers) he admits this. But he says that "creditors are generally complete strangers to each other—in fact, they are unknown to each other, and cannot combine." Is this so really? Is it not well known in a country town who are likely to be the creditors of any trader? Do not trade creditors know the wholesale houses with which their debtors deal, and is it not tolerably certain that, if they were not disposed to consent to a private arrangement, they could easily find means of communicating with other creditors? Surely Lord Bramwell can hardly have considered the passage of his letter in which he says:—"It is true that no creditor can be compelled to assent to a private deed of arrangement, but the alternative if he does not do so is that he gets nothing. The expense of initiating bankruptcy proceedings would itself, as a rule, be sufficient to deter small creditors from incurring the cost of proceedings in the Bankruptcy Court, but when to this is added the fact that such creditors are *entirely disqualified from presenting a petition at all*, it will be seen how unjust is the operation of the law in this respect." How can it be said that such creditors are "entirely disqualified from presenting a petition at all," when any of them, with the requisite concurrence, can present a petition? Lord Bramwell is no doubt right about the cost of bankruptcy proceedings; it appears from the report of the Associated Provincial Law Societies that, according to information obtained by the Birmingham Law Society, "the costs of realization by the official receiver are about thirty per cent.; by a non-official trustee in bankruptcy about twenty per cent.; and in private arrangements

about seven per cent." This is quite enough to explain the preference of creditors for private arrangements.

The decision of Mr. Justice North in *Re The Crown Bank (Limited)* (*ante*, p. 505) appears to be a sufficiently plain application of the recognized principles upon which an order for winding up a company can be made under the "just and equitable" clause of section 79 of the Companies Act, 1862. It was pointed out in the judgment of Lord Cairns in *Re Suburban Hotel Co.* (15 W. R. 1096, L. R. 2 Ch. 737) that a company might properly be wound up if it were shewn to the court that the whole substratum of the partnership, the whole of the business which the company was incorporated to carry on, had become impossible; and to determine this it was necessary, on the principle of the partnership case of *Baring* v. *Dix* (1 Cox, 213), to have regard to the true intent and meaning of the memorandum of association. The rule thus laid down was applied by the Court of Appeal in *Re Haven Gold Mining Co.* (30 W. R. 389, 20 Ch. D. 151), and in *Re German Date Coffee Co.* (30 W. R. 717, 20 Ch. D. 169). In the former case a company had been established to acquire and work a gold mine in New Zealand, and had power generally to acquire mines in that country "or elsewhere." It turned out, however, that no title to the particular mine could be obtained, and a winding-up order was made against the wishes of the great majority of the shareholders in spite of the general words contained in the memorandum. "No doubt," said Jessel, M.R., "there are general words in the memorandum and articles of association extending the right to work mineral property generally; but the object of the company, or the special object in the memorandum of association, is to work this gold mine; and the point which I have to consider is whether there is any mine at all as to which the company has a title or a contract which may eventuate in title." The law on the subject was also very clearly laid down by Kay, J., in *Re German Date Coffee Co.* in a judgment emphatically approved by the Court of Appeal. The company in that case had been formed to work a German patent, and the memorandum contained words empowering it to acquire other inventions having a similar object. The expected German patent was never granted, but the company purchased a Swedish patent and also established works in Germany, where they carried on business without any patent at all. Here, again, although the large majority of the shareholders wished to continue the business, a winding-up order was made. This was put by Kay, J., after a consideration of all the previous cases, on the ground that, "where on the face of the memorandum you see there is a distinct purpose which is the foundation of the company, then, although the memorandum may contain other general words which include the doing of other objects, those general words must be read as ancillary to that which the memorandum shews to be the main purpose, and if the main purpose fails, and fails altogether, then, within the language of Lord Cairns in the *Suburban Hotel Co.'s case*, and within the decision of *Baring* v. *Dix*, the substratum of the association fails." In the present case of the Crown Bank, the primary object of the company was to carry on a banking business in Northamptonshire, but the memorandum contained also various wide powers, including the carrying on of financial operations of every kind, and the investing of the money of the bank in stocks and shares generally. As a matter of fact, the local banking business was tried and failed, and then the directors, while nominally carrying on a banking business in London, really devoted themselves to speculating in stocks and shares. Under these circumstances, it seems sufficiently clear that the substratum of the company's business was gone within the principle of the above cases; for although there was not the complete impossibility to carry on the main business which there existed, yet the attempts to do so had in fact ended in failure, and the general words in the memorandum, whatever might be their literal meaning, could not authorize the carrying on of a business of a totally different kind.

The case of *Re Wolmershausen* (38 W. R. 537) appears to be the first direct decision that, where the liabilities of a principal and a surety are several, a payment or acknowledgment by the principal does not prevent the Statute of Limitations from running in favour of the surety. In *Whitcombe* v. *Whiting* (1 Sm. L. C. 618) it was settled—indeed before the passing of the Mercantile Law Amendment Act, 1856—that the acknowledgment of one of several drawers of a joint and several promissory note takes the note out of the statute as against the others, and this applies whether the drawers are on the same footing, or are in the position of principal and surety. But the decision was characterized by Lord Ellenborough, C.J., in *Brandram* v. *Wharton* (1 B. & Ald. 463), as full of hardship, and in *Atkins* v. *Tredgold* (2 B. & C. 23) this expression of opinion was regarded as conclusive that it ought not to be extended. On the contrary, it was overruled by section 14 of the Act above mentioned, which provided that, where there are two or more co-contractors or co-debtors, whether bound or liable jointly only, or jointly and severally, no one of them is to lose the benefit of the Statute of Limitations by reason of any payment made by another; and in *Cockrill* v. *Sparkes* (11 W. R. 428, 1 H. & C. 699) it was held that this applied in favour of a surety where a payment had been made by his principal, the two being jointly and severally liable on a promissory note. Previously, then, to the Mercantile Law Amendment Act, it does not appear that the principle of *Whitcombe* v. *Whiting* would have been extended to the case where the liability of principal and surety is several, and, if it had been supposed that there was any probability of this being done, provision for the case would doubtless have been made by the statute. Consequently, as Stirling, J., pointed out, it would be strange if, after the passing of that Act in favour of joint debtors, it were held that the old rule, which in their case had been abolished, was still to be applied in the case of debtors whose liability is several. It may not be generally recognized that while payments are being made by a principal, time is running in favour of the surety, and in *Re Frisby* (38 W. R. 65), which was a case upon the liability of the surety for a mortgagor, Fry, L.J., expressed an opinion that, where payments of interest are made punctually by the mortgagor himself, it would be contrary both to good sense and to the ordinary understanding as to the nature and effect of such arrangements, if it was held that the remedy against the surety was not kept alive by those payments. The case, however, depended on the somewhat difficult construction of section 8 of the Real Property Limitation Act, 1874, and, although it may express a common opinion with regard to sureties generally, it is no authority upon the present point. The statute, indeed, runs in favour of the surety from the moment when his liability first commences, and this fact is not altered by anything that may be done by other persons who are liable in respect of the same debt.

An illustration of the legal difficulties which may be expected to attend the establishment of companies for the purpose of undertaking the office of trustee is afforded by the decision of Mr. Justice Mathew in *The Law Guarantee and Trust Society (Limited) and Hunter* v. *The Bank of England* (38 W. R. 493). The plaintiffs in that case desired to take a transfer of Consols into their own name as trustees, but the whole theory of trusteeship in modern times, so far as the ownership of property goes, rests upon the fact that trustees take in joint tenancy with the right of survivorship incident thereto, and a joint tenancy between a corporation and an individual, say the old books, is a thing impossible. There is no identity in the estates, one being, in the case of real estate, to the corporation and its successors, and the other to the individual and his heirs. These cannot be blended in the manner necessary for the creation of a joint tenancy, and the same doctrine has been laid down with regard to personal estate. Moreover, as the corporation never dies, there is no mutual chance of survivorship. All this being sufficiently clear, the Bank objected that, if they allowed the transfer, a tenancy in common would at once be created, and each party would be entitled to deal separately with their or his share. Hence the burden would be thrown upon the Bank of discovering what the share was, and visions, too, of trouble with *cestuis que trust* loomed large in the distance. It was not very clearly shewn in the argument what these troubles would be, and Mathew, J., did not attempt to define them. But the fact seems clear that the plaintiffs desired to compel the Bank to register on their books interests of a new kind, and interests which might possibly lead to the raising of questions which the Bank has hitherto, with the sanction of the law, avoided. It may seem curious to

have to settle a matter of business of this kind by reference to ancient rules applicable properly to interests in real estate, but the present system by which the legal estate is, with safety to all parties, vested in trustees in whose name alone the stock is registered, is founded upon it, and the burden of changing the rules of law so as to vest the legal estate, with safety and without risk of inconvenience, in trustee companies would seem to be cast upon those who promote them.

THE COURT OF APPEAL have affirmed very emphatically the recent judgment of Lord COLERIDGE, C.J., and MATHEW, J., striking off the rolls the solicitor who had, according to the report of the Discipline Committee of the Incorporated Law Society, allowed a debt collector to use his name in the institution of legal proceedings. A preliminary objection was taken, on behalf of the society, that the matter was a criminal one, and that consequently no appeal would lie, but this was overruled. Section 32 of the Solicitors Act, 1843 (6 & 7 Vict. c. 73), provides for the punishment both of the offending solicitor and of the person who uses his name. As to the latter, he may be imprisoned for any period not exceeding one year; and since, apart from this section, the court has no control over him, his offence is a criminal one, and the penalty is of the same nature as the penalties attached to other crimes. But with regard to the solicitor it is different. The court already has disciplinary power over him, and the section appears to do no more than regulate its use. Consequently the direction that he may be struck off the rolls does not distinguish the case from an ordinary case of discipline, and the offence is not thereby turned into a criminal one so as to prevent an appeal. The reasoning is intelligible, though possibly a little refined. But, while the appeal was thus allowed to be heard, that was all the advantage the appellant got.

RULES AND PRACTICE AS TO DEFENDANT FIRMS.

RECENT decisions on the Rules of the Supreme Court as to actions wherein the defendants are partners sued in the name of the firm have served at least one good purpose—they have emphasized strongly the necessity, which has long been felt, for an amendment of these rules. We refer primarily to the well-known case of *Davies* v. *André* (38 W. R. 437, 24 Q. B. D. 598), which has swept away the makeshift arrangement established by the practice masters as far back as 1887, under which a person served as a partner, but who was not a partner, was enabled to enter a species of appearance under protest, in order to prevent his private goods from being taken in execution under a judgment against the firm sued. That makeshift arrangement was invented to meet an undoubted difficulty and to prevent injustice being done, and after being resorted to in a great number of cases for a period of three years, during which it was found to answer its purpose well, it has been swept away by the decision referred to, and the rules have been left once more in all the nakedness of their imperfection.

The rules as to partners sued in the name of their firm may, so far as the particular point in question is concerned, be summarized as follows:—

Ord. 16, r. 14.—Any two or more persons liable as copartners may be sued in the name of their respective firms.

Ord. 9, r. 6.—Where persons are so sued as partners, the writ shall be served either—

(*a*) Upon any one or more of the partners; or,

(*b*) At the principal place of business of the firm on any person having at the time the management or control of the partnership business there.

Ord. 12, r. 15.—Where partners are sued in the name of their firm, they shall appear individually in their own names, but all subsequent proceedings shall continue in the name of the firm.

Ord. 42, r. 10.—Where a judgment or order is against a firm, execution may issue without order

(*a*) Against any property of the partnership.

(*b*) Against any person who has appeared as a partner, or who has admitted that he is, or has been adjudged to be, a partner.

(*c*) Against any person who has been *served as a partner* and who has failed to appear.

It is a common occurrence, in an action against a firm, that the plaintiff serves the writ upon a person whom he believes to be a partner, but who is not one. What is such a person to do? Prior to *Davies* v. *André* the practice was as follows:—Action against Jones & Co. Service on Smith as a partner. Appearance by Smith "served as a partner but who denies that he is a partner."

The plaintiff had two courses open to him. (1) He could either serve a veritable partner; or (2) he could serve the person having the management or control of the business at the principal place of business. In either of those events Smith's appearance would be no bar to a judgment in default against the firm, because the appearance of a person served as a partner, but denying partnership, could not stand as a bar to judgment against the firm, provided the plaintiff could shew that the writ had been otherwise properly served on the firm. And having obtained his judgment against the firm, he could take execution against the firm's goods, and he could also apply, under ord. 42, r. 10, for an order for execution against Smith. Unless Smith could shew that he was not a partner, such an order would be made, or the issue as to whether or not Smith was a partner would be ordered to be tried.

But under the practice established by *Davies* v. *André*, Smith, though he is not a partner in the firm, is left absolutely powerless to protect himself from having an execution put into his private house. The plaintiff serves him believing him to be a partner. He cannot appear at all. He cannot appear as a partner under ord. 12, r. 15, because he is not a partner, and cannot so describe himself; and *Davies* v. *André* has decided that he cannot appear with a denial of partnership. The plaintiff swears that he served "Smith, a partner in the defendant firm"—and let it be observed, in passing, that such affidavits are made on the most slender information as to the fact of partnership. The plaintiff thereupon takes judgment against the firm, and at the same moment issues execution against Smith's private goods as "a person *served as a partner* who has failed to appear" (ord. 42, r. 10 (*c*)).

This is precisely the state of things which existed prior to 1887, and which caused so much friction that the makeshift arrangement above referred to, and mentioned in the Annual Practice, 1889-90, p. 249, was adopted by the masters.

It can, of course, be urged that in the hypothetical case above mentioned, Smith, if he be not in fact a partner, may take proceedings against the plaintiff who wrongly puts an execution into his house. But the plaintiff may be a man of straw, and he himself may be most seriously injured in his credit by the mere fact of the sheriff's officer being put in possession. The difference between him and any ordinary individual who may be injured by another is, that the whole possibility of his being injured is the creation of the Rules of Court, which, as Mr. Justice WILLS points out in his judgment in *Davies* v. *André*, while they lay him open to injury, deny him the power to protect himself.

It certainly does appear to be highly necessary that the rules should be amended so as to remedy the defect we have pointed out. It is not any great alteration which is required. The whole difficulty would be met by an additional rule, following ord. 12, r. 15, in something like the following terms:—"Any person served as a partner, but who is not a partner in the firm sued, may enter an appearance denying partnership; provided that if the writ of summons has been properly served on the firm sued, otherwise than as a partner upon the person so denying partnership, the appearance of such last mentioned person shall be no bar to proceedings in default or otherwise against the firm sued. And any appearance entered under this rule may, on the application of the plaintiff and upon its being shewn that the person appearing is a partner in the firm sued, be struck out by the court or a judge, or an issue may be directed to determine whether any person appearing hereunder is or is not a partner in the firm sued"

It may, perhaps, be desirable to consider the effect of such a rule in the light of possible contingencies.

(1) *It may be that the person served as a partner is not, in fact, a partner.* In such a case the rule would serve two purposes. It would enable the person wrongly served as a partner to protect himself from the injustice of having an execution put into his

house for a debt for which he was not liable, and had not been sued. In the second place, the entry of such an appearance would prevent judgment from being signed against the firm sued, upon evidence of service which was, in fact, no service on the firm at all.

(2) *The person served and appearing with denial of partnership may, in fact, be a partner, and he may appear merely to embarrass the plaintiff.* It is always open to a plaintiff suing a firm to protect himself against being prejudiced by such a contingency by taking the precaution of serving the writ on the person having the control of the business, &c., as provided by ord. 9, r. 6. In considering this point it must be borne in mind that in most instances where a plaintiff serves a person *as a partner* in a defendant firm, he does so with the object of making that person personally liable, under ord. 42, r. 10, and such service is frequently made in addition to serving the firm by leaving a copy of the writ with the person having the control of the business, as provided by ord. 9, r. 6. In such a case the above rule would not prejudice the plaintiff in any way, because an appearance thereunder would not prevent his taking his judgment against the firm sued, on giving evidence of service on the person having the control of the business, &c.

But, even supposing that the partner served was the only person belonging to the firm whom the plaintiff could serve, the plaintiff could immediately have the question of partnership tried. The right to appear with denial of partnership under the suggested rule is by its terms specially confined to "any person served as a partner but who is *not a partner*," &c. The plaintiff could apply to strike out the appearance, on the ground that the person entering it was a partner, and, under the latter part of the rule, the judge at chambers would have authority, in cases of real doubt, to order the question to be determined.

(3) *In a case where the plaintiff had served the writ on "the person having the control of the business," &c., as provided by ord. 9, r. 6, such person might seek to embarrass the plaintiff by appearing under the suggested rule as "a person served as a partner but denying partnership."* This could only be done with a view to delaying the proceedings. But, as a matter of fact, such an appearance would be absolutely without effect as against the plaintiff, who could, notwithstanding, enter his judgment in default against the firm on the usual affidavit that he served the writ on "*A. B*, the person having the management or control," &c. (ord. 9, r. 6). It is true that *A. B.* would have appeared as "a person served as a partner but denying the partnership." But the plaintiff's affidavit of service would furnish the proof required by the rule—viz., that the writ had been "properly served on the firm sued otherwise than *as a partner* upon the person denying partnership." Such an appearance, therefore, would be no bar to proceedings in default against the firm.

The above must be considered as possible, and not all of them as probable, contingencies. In practical working, the only effect of such a rule would be that, in any action against a firm, any person served as a partner who denied the fact of partnership would be enabled to have the question of his partnership determined before, instead of after, execution had been issued against his private goods.

FRANCIS A. STRINGER.

SECURITY FOR COSTS.

In the recent case of *Cook* v. *Whellock* (38 W. R. 534, 24 Q. B. D. 658) the Court of Appeal decided that a plaintiff who was an undischarged bankrupt could not be required to give security for the costs of the action, thereby extending somewhat the result arrived at in *Rhodes* v *Dawson* (34 W. R. 240, 16 Q. B. D. 548), where a similar rule was applied in the case of a plaintiff against whom a receiving order had been made, but who had not yet been declared bankrupt. Both decisions seem to rest, however, on exactly the same grounds.

The possible reasons for requiring security from a plaintiff, who is either bankrupt or on the eve of bankruptcy, are two; that he is insolvent and therefore not a person by whom costs are likely to be paid, and that he is merely a nominal litigant, suing on behalf of his creditors, who will really reap the benefit of the proceedings. That insolvency by itself is no ground for ordering security to be given, is of course well settled. In *Ross* v. *Jacques* (8 M. & W. 135) ALDERSON, B, remarked that the plaintiff was within the jurisdiction of the court, and, this being so, her poverty was no reason why she should give security for costs; and a similar decision was given in *Armitage* v. *Grafton* (10 Jur. 377), where the plaintiff was said to be in a condition of abject poverty, and to be wandering about from place to place without a home. A case of this kind, where the only ground alleged was want of means, was distinguished by the court both from the case where the plaintiff is residing abroad, and where there is, therefore, a legal impossibility of recovering costs against him, and from the case where an insolvent person who has transferred his interest is allowing his name to be used as that of the nominal plaintiff by the transferee. General enunciations of the same principle are also of frequent occurrence. In *Hind* v. *Whitmore* (2 K. & J. 458) WOOD, V.C., stated that a plaintiff who was *sui juris* was never called upon to give security for costs on account of his poverty, and pointed out that a different rule prevailed with regard to a married woman who was suing by her next friend, because there was no possibility of recovering costs against her by attachment and imprisonment of her person. The idea, however, that, so long as a plaintiff is within the jurisdiction of the court, a defendant may be able to make something out of his person, is founded on the old practice as to imprisonment for debt, and is obviously not entitled to much weight. The real principle is, that access to the courts is not to be denied to a man on the ground of his want of means, whatever inconvenience may be inflicted on the other side. Thus in *Sykes* v. *Sykes* (L. R. 4 C. P. 645) it was said by BOVILL, C.J.:—"By the law of this country a party is not precluded from enforcing his rights in a court of law by reason of his poverty. In many cases, no doubt, the inability of an unsuccessful litigant to pay costs to his successful adversary works hardship; but it is for the Legislature to provide a remedy, not for us." And more recently still, in *Cowell* v. *Taylor* (34 W. R. 24, 31 Ch. D. 34), BOWEN, L.J., referred to the general rule that poverty is no bar to a litigant as one that had existed from time immemorial both at common law and in equity. Of course, however, it applies only to proceedings in courts of first instance, and is designed to insure that the plaintiff shall get a decision on his claim. If he is not satisfied with this, the luxury of appealing is one that is in general only permitted to him on finding security: *Re Ivory* (10 Ch. D. 372), *Farrer* v. *Lacy, Hartland, & Co.* (33 W. R. 265, 28 Ch. D. 482).

But the general liberty granted to an insolvent plaintiff to invoke the assistance of the courts is only granted on the assumption that he is the actual, and not merely the nominal, plaintiff. In *Andrews* v. *Marris* (7 Dowl. 712) this was stated by COLERIDGE, J., in the following terms:—"The principle is, that where another person is in fact proceeding with the action in the name of the party on the record, and that party is insolvent, the court will compel him, for whose benefit the action is proceeding, to come in and give security for costs." In *Elliot* v. *Kendrick* (12 A. & E. 597) this was applied to the case of an assignment of all the plaintiff's effects to trustees for his creditors, and it was said that, as the trustees had chosen to proceed in the name of a party who, for their benefit, had divested himself of all means of paying costs, they must be required to give security. Under similar circumstances POLLOCK, C.B., in *Perkins* v. *Adcock* (14 M. & W. 808), laid it down that, where the nominal plaintiff is bankrupt or insolvent, or has assigned the debt, and is suing for the benefit of the assignee, he ought to give security for costs; and the authority of this case was decisively affirmed some years later in *Goatley* v. *Emmott* (15 C. B. 291).

In these cases it must be observed that the so-called nominal plaintiff is neither beneficially interested in the result of the proceedings, nor has he really the control of them, and they are to be distinguished, therefore, from those in which the plaintiff, although not interested in the result, is yet the actual litigant. Such are the cases of a trustee, an executor, and an assignee or trustee in bankruptcy. In an anonymous case in 1809 (2 Taunt. 61) an action was brought by the assignees of a bankrupt, one of whom was himself a bankrupt, and the other a prisoner in Newgate, yet an application that they might be ordered to give security for costs was refused, though apparently no special attention was paid to the circumstance that they were not suing for their own benefit. The matter, however, was directly considered in *Sykes* v. *Sykes* (*supra*), which is the first of a recent series of cases bearing upon it. In this

case the action was brought by two executors, one of whom was out of the jurisdiction, and the other was insolvent. But, while the general rule that an insolvent, being merely a nominal plaintiff, is required to give security, was admitted, it was said that it had never been applied to the case of an executor or the assignee of a bankrupt. By BOVILL, C.J., this was put on the ground that, though there might be legatees or creditors, it did not follow that they would receive their legacies or a dividend on their debts, and so there was no person interested to give, or who would be willing to give, security for costs. MONTAGUE SMITH, J., pointed out that, with regard to an executor, he was entitled to all the debts of his testator both at law and in equity; he sued for them in his own right; and he received the fruits of the judgment as part of his testator's general estate. And BRETT, J., distinguished executors and assignees from persons who merely lend their names for the benefit of the actual litigant. Accordingly it was held that there was no ground for requiring security for costs. A similar decision where one plaintiff was a foreigner residing abroad, and the other a bankrupt in custody in execution for a debt, had been given in *M'Connell* v. *Johnston* (1 East. 431).

The decision in *Sykes* v. *Sykes* of course only applied directly to the case of an executor suing in respect of his testator's estate, but it was accepted in *Denston* v. *Ashton* (L. R. 4 Q. B. 590) as equally authoritative with regard to both the cases referred to in it, and it was held that the court would not require security for costs to be given by a plaintiff suing as assignee of a bankrupt for the benefit of the estate, although he was in insolvent circumstances. But a dissentient voice was raised by PEARSON, J., in *Pooley's Trustee in Bankruptcy* v. *Whetham* (32 W. R. 1017, 28 Ch. D. 38), who said the case of an executor and the case of a trustee in bankruptcy by no means stood on the same footing. He accordingly disapproved of the result in *Denston* v. *Ashton*, though, as the insolvency of the trustee in the case before him was not established, it did not become necessary expressly to deviate from it, and in the Court of Appeal the matter was left open. Subsequently, however, it arose for discussion in *Cowell* v. *Taylor* (*suprà*), where the observations of PEARSON, J., were dissented from, and the authority of *Denston* v. *Ashton* was affirmed.

Mere insolvency, therefore, is no ground for requiring security for costs, and the exception which dispenses with this rule where the person in whose name the proceedings are brought is simply the nominal plaintiff, does not extend to actions by executors and trustees in bankruptcy. An attempt, however, was at one time made to shew that it did extend to cases where the plaintiff was bankrupt, or had filed a liquidation petition. This was in the case of *Malcolm* v. *Hodgkinson* (21 W. R. 360, L. R. 8 Q. B. 209), where a plaintiff in an action of trover had filed a petition for liquidation, and it was held that an order made in chambers requiring him to give security was right. The decision was put by BLACKBURN, J., on the broad ground that, where an insolvent person is suing as trustee for another, it is the rule to require security for costs, and that this applied to the case of liquidation, since the debtor was suing really for the benefit of his creditors. The same course was followed without question in *Brocklebank & Co.* v. *The King's Lynn Steamship Co.* (3 C. P. D. 365), the only point raised there being whether the security was necessarily confined to future costs, and it was held that it was not. And in *Re Carta Para Mining Co.* (30 W. R. 117, 19 Ch. D. 457) HALL, V.C., held that these cases were binding on him, though he recognized that they constituted an infringement on the old rule that insolvency is no ground for requiring security. He also objected to the generality of Lord BLACKBURN's *dictum* that any insolvent person suing as trustee for another must be required to give security, thinking it must be restricted to the case of a person who, not having the right to sue for himself, allows his name to be used as trustee for another for the benefit of that other, and this explanation was accepted as correct by BOWEN, L.J., in *Cowell* v. *Taylor* (*suprà*).

But, in point of fact, a person who is on the eve of bankruptcy, or who has actually been made bankrupt, but is nevertheless in a position to bring an action, is not a mere nominal plaintiff in the sense in which the expression is used in the older cases. He is not, that is, a plaintiff who has neither any interest in, nor any control over, the litigation. Although, as a matter of fact, the proceeds may go to his creditors, and he may be regarded as in that sense a mere trustee for them, yet he is the person entitled to sue and he actually directs the proceedings. He is, therefore, no more a nominal plaintiff than the executors and the assignees in bankruptcy in *Sykes* v. *Sykes* and the other cases referred to above. And this is now settled to be the true doctrine. In *Rhodes* v. *Dawson* (34 W. R. 240, 16 Q. B. D. 548) it was applied in the case of a plaintiff against whom a receiving order had been made, but who had not yet been declared bankrupt. And in the present case of *Cook* v. *Whellock* (38 W. R. 534, 24 Q. B. D. 658) it has been applied to the case of an undischarged bankrupt. As soon, indeed, as the incorrectness of the *dictum* which led to the decision in *Malcolm* v. *Hodgkinson* (*suprà*) had been shewn, and when that was restricted, as it ought originally to have been restricted, to the case of a plaintiff merely nominal, it became clear that no debtor who had retained the right to sue on his own account, even though, by reason of his insolvency, others might reap the benefit, could be brought within it. These last decisions, therefore, of the Court of Appeal re-establish in its integrity the rule that insolvency is no ground for requiring security for costs, while they appear to restrict the exception relating to a merely nominal plaintiff to the case of a plaintiff who simply lends his name, but has no interest in the result, and no immediate control of the proceedings.

THE BANKRUPTCY BILL, 1890.

THE Council of the Incorporated Law Society have made a report on this Bill, in which they point out that the main object of the Bill appears to be still further to discourage, and practically to prevent, private arrangements between debtors and their creditors; that the creditors and the debtors are the only persons having any pecuniary interest, and if they desire to distribute the assets promptly and inexpensively, it is difficult to understand why they should not be at liberty to do so, especially as the law now, perhaps unadvisedly, gives no power for a majority of creditors to bind a minority, however small the minority may be. The practical effect of the absence of such power is that dissentient creditors frequently obtain a preference.

The council urge that it is unreasonable to force resort to the Bankruptcy Court, and to impose official fees where no one interested desires the aid of the court or of its officials.

Section 1, sub-section (*b*), enlarges section 4, sub-section (*h*), of the Act of 1883. That section has given rise to many practical difficulties, and judges have differed as to the effect of it. The Bill would, in the opinion of the council, expose anyone in temporary difficulties to immediate bankruptcy, and would make a private arrangement impracticable.

Section 2 proposes to enable any creditor for £20 to force immediate bankruptcy, however large the estate may be. The council see no reason why the existing £50 limit should be altered.

Section 3 extends the period of three months in the Act of 1883, during which transactions may be avoided, to six months. The three months have in practice been found objectionable, and the evil will be greatly increased if the period is extended to six months. After an act of bankruptcy committed (say after a meeting of creditors, and an arrangement agreed on), the estate of the debtor cannot be dealt with, no property can be sold, no debts collected, and no dividend paid to creditors until the period of three or six months, as the case may be, has expired. Thus debts which cannot be collected may be lost, and property which cannot be sold depreciated. The Bill also extends from three to six months the period during which preferential payments may be avoided. The creditors receiving the money may not have reason to doubt the validity of the payment, and may *bonâ fide* have remitted it to foreign or other principals, and may yet be liable to refund it.

Section 9 appears to be unnecessarily stringent. The court should have discretionary power. The circumstances of cases greatly vary.

Section 10 is understood to be withdrawn.

The council consider that it is very inconvenient and objectionable to make a great number of alterations in such an Act as the Bankruptcy Act, 1883, by subsequent piecemeal legislation. The whole law of bankruptcy should be embodied in one Act.

Section 8 repeals the prohibition, contained in sub-section 5 of section 21 of the Act of 1883, against the official receiver acting as trustee.

The result will, in the opinion of the council, be that the official receiver (an officer of the court) will become a competitor with the nominees of creditors for the office of trustee, and, having regard to the stringent provisions affecting proxies unless given in favour of the official receiver, great difficulties will be placed in the way of creditors securing the appointment of their nominee.

The council protest against a change introducing further obstacles

in the way of creditors managing their own affairs. They are satisfied that the administration by an official of estates involving any considerable difficulties or complications is most undesirable, and this is evidenced by the fact that at present in all cases of difficulty it is found necessary to appoint a special manager immediately upon the presentation of a petition, although the Act of 1883 authorizes the official receiver to act until the appointment of a trustee by the creditors.

The council are further of opinion (an opinion which would seem to have been shared by the framers of the Act of 1883) that the position occupied by the official receiver should preclude him from being a competitor for the office of trustee.

The Associated Provincial Law Societies have also issued a report on the Bankruptcy Bill, in which they say: This Bill has three principal objects:—

(1) To render private arrangements between a debtor and his creditors so difficult and hazardous as to preclude this mode of winding up, and to force all estates, large and small, into bankruptcy;

(2) To increase the already large powers of the Board of Trade in bankruptcy administration, especially in its financial aspect, by making the appointment of creditors' trustees more difficult, and that of the official receiver more easy, and—

(3) To increase the disciplinary power of the court over the bankrupt.

The first and second objects may be considered to be identical, and it is to them that the Bill is substantially directed. The Associated Chambers of Commerce, so far as the Bill in question represents their views, seem to have settled down to the opinion that the realization of all bankrupt estates should be effected by the officials of the Board of Trade. That this is not the opinion of individual commercial men is proved by the fact that with few exceptions all large and valuable estates are at present wound up out of court, and that creditors are willing to run considerable pecuniary risks and take a good deal of personal trouble in order to keep such estates out of bankruptcy. Nor is it the opinion of the Council of the London Chamber of Commerce, who have lately (on May 9th) waited on the President of the Board of Trade to urge their objections to this part of the Bill. It certainly seems anomalous that whilst in so many other directions Parliament is asked to decentralize power and responsibility, in legal matters the object of successive Governments should be to create Government departments in London for the transaction of local business. The experience of the working of the Bankruptcy Act, 1883, does not favour the extension of the power of the Board of Trade. It may be admitted that the present system works well where there is little or no estate. In such cases no creditor thinks it worth while to interfere. Formerly the estate, such as it was, was distributed by the debtor himself (with the assistance of a few friendly creditors) and no questions were asked. Now there is an independent, and generally searching inquiry, and if the official fees are heavy, as it must be owned they are, the estate is usually so small that the amount of dividend matters little to the creditors concerned. But in large estates the case is very different. First, the official fees and percentages make winding up by the Board of Trade extravagantly costly, as compared with any other known mode of administering*; secondly, the officers of the Board of Trade would be utterly unable to cope with the work proposed to be intrusted to them. In large and important cases the realization must be prompt if is to be effective, and it must be in the hands of people who understand the business. The official receiver, with his multifarious engagements, could not do the work.

3.—The provisions as to discharge are such that the cases are few in which an honestly unfortunate bankrupt would be able to obtain an immediate discharge. In addition to the facts on proof of which the court must now either refuse or suspend for a specific time the order of discharge, section 9 of the Bill obliges the court either to suspend the discharge for not less than five years, or until a dividend of not less than ten shillings in the pound has been paid, or to require the bankrupt to consent to judgment for the unsatisfied balance of the debts as a condition of discharge, whenever any of the following facts are proved:—

(*b*) That the bankrupt has within three years failed to take steps to make himself acquainted with his true financial position;

(*c*) Has failed to account satisfactorily for any deficiency of assets.

(*d*) Has contributed to his bankruptcy by unjustifiable extravagance of living.

From some of these faults it may be said that not one bankrupt in a hundred is exempt. Any household expenses, beyond the barest necessaries of life, must be considered an extravagance in a man who cannot pay his way; any money unnecessarily spent must have contributed to the bankruptcy.

The following detailed provisions of the Bill have been commented on by the Birmingham, Liverpool, Manchester, and Hull Law Societies in their printed memoranda. The Council of the Incorporated Law Society has also reported and drawn various amendments on the Bill. The substance of their remarks is embodied with other matter in the following observations:—

Section 1 (*a*).—Execution levied by seizure and sale is the present act of bankruptcy. This section makes execution levied by seizure and followed by either sheriff's possession for seven days, or sale, an act of bankruptcy. The Liverpool Society approves this change, nor does there seem to be any reason against it. Execution, followed by the sheriff's possession for seven days, is as much a mark of bankruptcy as execution and sale.

Section 1 (*b*).—At present, if a debtor gives notice that he has suspended, or is about to suspend payment of his debts, he commits an act of bankruptcy. There are numerous decisions as to what constitutes a notice of suspension, but it must be a formal definite announcement; a verbal statement by the debtor of inability to pay is not sufficient (*Re Friedlander*, 13 Q. B. D. 47); nor, it would seem, is merely calling creditors together and offering them a composition. By this section, however, if the debtor by himself or through any other person informs any of his creditor that he has suspended or is about to suspend payment, or if he is even privy to submitting a statement shewing that he is insolvent, he commits an act of bankruptcy. A casual conversation in the street between the debtor's cashier and a creditor would satisfy the words of the section, and a circular to creditors by a man in difficulties, however carefully worded, would be too dangerous to be used. The object of the section is to render impossible the preliminary communication between the debtor and his creditor, which frequently result in temporary difficulties being tided over. Whatever may be the merits of the Bankruptcy Act, 1883, they are not such as to exclude other modes of arrangement.

It would have been more to the purpose if the opportunity had been taken to amend section 13 of the Deeds of Arrangement Act, 1887, which deals with the local registration of copies of such deeds. Registration is effected by filing a copy of the deed and of the affidavits, giving the debtor's residence and description, and the estimated amount of property and liabilities. But section 13 only requires a copy of the deed to be transmitted to the county court, and no copies of the affidavits which give the information so essential to creditors is required to be sent. The result is that section 13 is practically quite useless, frequently containing not even a schedule of creditors.

Section 2.—Enables a creditor for £20 to petition. There seems to be no reason whatever for this change. It will probably not even attain its object of bringing more estates into bankruptcy. There is no reduction in the fees and stamps charged, and £10 is a large sum for a £20 creditor to disburse for the purpose of moving the court.

Section 3 (see also section 18).—These sections deal with the doctrine of relation back, extending this period from three months to six months, both with regard to act of bankruptcy and avoidance of fraudulent preferences. The rule has been three months since the year 1870. Commercial transactions would be subjected to great additional risk by this extension of the period to which the trustees' title goes back, especially in view of the new acts of bankruptcy created. It should be remembered that under the Act of 1869 the act of bankruptcy on which the adjudication was grounded must have occurred six months before the presentation of the petition. The alteration in the Bill seems intended to strike at deeds of assignment and arrangement.

Section 5.—Enables any person to inspect a debtor's statement of affairs, and take a copy or extract. The right is at present limited to creditors. The result of the change would be that information would be regularly published in trade circulars and mercantile lists. If commercial men see no harm in this, it is, perhaps, not for lawyers to takes exception to it.

Section 7 (see also section 11).—These sections should follow one another. Both deal with compositions and schemes of arrangement under the Act. (Sections 18 and 23). Some of the proposed alterations will be found useful and meet difficulties which have arisen in working out schemes under these sections. The chief alteration effected by section 11, which deals with the conditions of approval by the court, is that in cases where the discharge would be refused, qualified, or suspended, the court must see that there is reasonable security for paying seven-and-sixpence in the pound before it approves. Seven-and-sixpence is an odd fraction of a pound wherewith to purchase the assent of the court to a composition.

Section 8.—This section alters the mode of appointing a creditor's trustee by substituting a majority in number and value, for the simple majority at present necessary for carrying the resolution appointing him. (See section 21 of the Bankruptcy Act, 1883).

It disqualifies a person for the office of trustee, "where there

NOTE.—According to the information obtained by the Birmingham Law Society, the costs of realization by the official receiver are about 30 per cent.; by a non-official trustee in bankruptcy about 20 per cent.; and in private arrangements about 7 per cent. A reference to table B of the order of 25th October, 18-6, will explain how this result is brought about. In an estate where the creditors number 150, and the realised assets are £1,000, the official receiver's fees would probably be £160, and might be more.

are reasonable grounds for believing that he is accountable to the estate"—*i.e.*, where he happens to be the trustee or accounting party in a deed of arrangement or composition.

It removes the present disqualification which the official receiver is under, for the office of trustee, and repeals sub-sections 6, 7, and 8 of section 21 of the Act.

The effect of the clause is to make the appointment of a creditors' trustee more difficult, and to facilitate the appointment of the official receiver to the office.

The meaning of this will be best understood by a reference to the scales of fees and percentage payable to the Board of Trade on realizing and administering bankrupts' property.

Section 9.—Deals with discharge, and it is enough to say that as it is drawn (section 9 (1) *b*, *c*, and *d*), not one bankrupt in a hundred would obtain his discharge in less than five years unless he consented to judgment against him by the official receiver for the balance of the debts provable, or part of such balance. The latter condition is equivalent to no discharge at all. Suspension for five years is a serious matter for the better class of bankrupts; where there is no estate bankrupts usually care little about it; they continue to trade without any reference to an order of discharge, well knowing that they are not worth looking after; nor can transactions with innocent persons be impeached at the instance of the trustee.

Section 10.—Is withdrawn. To imprison a bankrupt for misdemeanour because he has been guilty of unjustifiable extravagance in living, or has given "undue preference" to any of his creditors, has, on consideration, been seen to be too strong a proposal.

Section 13.—At present, in order to constitute a fraudulent preference, it must be shewn that the act impeached was done with the view of giving the creditor a preference. This section proposes that where the act is impeached the fraudulent motive shall be presumed. The whole foundation for the doctrine is fraud; apart from that, the act of preferring is innocent, and the courts would never have interfered. In order to facilitate matters, the present section says that fraud shall be assumed if a preference is in fact given, in other words, that an act *primâ facie* innocent shall be presumed to be fraudulent. This, again, is a matter in which commercial men may be supposed to know their own business best. It seems as if it would make it exceedingly dangerous to deal with anyone whose financial position was not known to be beyond all question. It may be that this is the object of the Chambers of Commerce.

Section 14.—This section deals with the thorny question of disclaimer of onerous property. The Act of 1869 enabled the trustee to disclaim property without fixing any time for disclaimer; the Act of 1883 required the trustee to disclaim within three months; the present Bill repeals this limitation of time, and returns to the policy of the Act of 1869. In the case of the disclaimer of a lease the Act of 1869 left the trustee free; the 28th G. R. of 1871 made the leave of the court necessary, it being considered that only so could the trustee be made to pay for keeping a lessor out of his property. The Act of 1883 continued the obligation to obtain the leave of the court, but the present Bill goes back to the *status quo ante* 1871. These changes backwards and forwards indicate that Parliament has not been particularly successful in dealing with the question, and that the amendments now proposed may not, after all, be final. Sub-section 2 requires the trustee disclaiming after twenty-eight days to pay rent in respect of his beneficial occupation; sub-section 3 empowers the trustee before disclaimer to apply for leave to remove tenants' fixtures; and sub-section 4 continues the trustees' liability in consequence of omission to disclaim, notwithstanding his resignation or release. There are individual cases in which each of these provisions may be useful; whether on balance they will do more harm or good experience alone will shew; there is no probability one way or the other.

The remaining sections do not require detailed comment. They contain matter both bad and good. "The Bankruptcy Act, 1883, and this Act may be cited collectively as the Bankruptcy Acts, 1883 and 1890," and they are to be read into each other, to the confusion of everybody except those who have both Acts at their fingers' ends.

The Bill, however, is much less important than the policy which underlies it. The Bankruptcy Act, 1883, intrusted to the Board of Trade a large amount of work, legal and administrative, which had previously been in the hands of professional men in London and in the country, and, as has been already pointed out, the chief object of the present Bill is to extend and complete this system of centralized official management. The Companies Winding-up Bill of the present session is framed on the same principle. The Land Transfer Bills of 1888 and 1889 were an attempt to deal with conveyancing business in exactly the same way. If this process is suffered to go on, England will soon become in many important respects as bureaucratically governed as any continental nation. The attention of solicitors in the country is directed to this point, with the view of their taking concerted and immediate action upon it.

REVIEWS.

MAGISTERIAL LAW.

A Magisterial and Police Guide. Being the Law relating to the Procedure, Jurisdiction, and Duties of Magistrates and Police Authorities, with an Introduction, greatly enlarged, shewing the General Procedure before Magistrates, both in Indictable and Summary Matters. By Henry C. Greenwood, Stipendiary Magistrate for the District of the Staffordshire Potteries, and Temple Chevallier Martin, Chief Clerk to the Magistrates at the Lambeth Police Court, London. Third Edition. Including the Session of 52 & 53 Vict. and the Cases decided in the Superior Courts to the end of the year 1889, with Notes, revised and enlarged. By Temple Chevallier Martin. Stevens & Haynes.

The present edition of this useful work can hardly fail to prove acceptable, not merely to the legal profession, for whom it is, of course, primarily intended, but also to the general public, who must often require to consult, at a moment's notice, a magisterial and police guide of a reliable character. Ten years have elapsed since the publication of the second edition of this work, and during this considerable interval of time many important statutes have been passed, and decisions given affecting the procedure, jurisdiction, and duties of magistrates and police authorities. In the present edition the statute law has been brought down to the end of the session 52 & 53 Vict., and the judicial decisions to the end of the year 1889 are also included. Amongst the new statutes noticed in the present volume, and which have been passed since the second edition was issued, are The Fugitive Offenders Act, 1881 (44 & 45 Vict. c. 69), The Boiler Explosions Act, 1882 (45 & 46 Vict. c. 22), The Ancient Monuments Protection Act, 1882 (45 & 46 Vict. c. 73), The Explosive Substances Act, 1883 (46 Vict. c. 3), The Corrupt and Illegal Practices Prevention Act, 1883 (46 & 47 Vict. c. 51), The Margarine Act, 1887 (50 & 51 Vict. c. 29), The Sale of Horseflesh Regulation Act, 1889 (52 & 53 Vict. c. 11), The Official Secrets Act, 1889 (52 & 53 Vict. c. 52), and The Infectious Disease (Notification) Act, 1889 (52 & 53 Vict. c. 72). The cases cited have been carefully revised and re-arranged, so as to constitute not merely a digest, but a treatise, in which the principles of the criminal law, as illustrated by decided cases, are indicated. The introduction, which now occupies eighty-four pages, and which deals with the general procedure before justices, both in indictable and summary matters, will be found most instructive, and may be read by all with profit. The form of the work has not been altered in the present edition, the original plan of keeping the statutes, which form the text of the book, and the procedure and explanatory notes quite distinct, having been strictly adhered to. Any paraphrase of a section, not set out *in extenso*, is placed within brackets, so that those who use this volume may know at once whether or not the exact words of the particular enactment cited are given. A full index, of about sixty pages in length, will be found at the end of the work. By its aid, and by reference to the prefixed alphabetical table of contents, the various subjects included in the volume can, without difficulty, be discovered.

PATENTS.

The Patentees' Manual: A Treatise on the Law and Practice of Patents for Inventions. By James Johnson, Barrister-at-Law, and J. Henry Johnson, Solicitor, Past President Institute of Patent Agents, &c. Sixth Edition. Longmans, Green, & Co.; Stevens and Sons (Limited).

Since the fifth edition of this work came under our notice, six years have passed, and the time has come for a new edition. The book, of which the first edition appeared as long ago as 1853, has long been so well and favourably known that it is not necessary to describe its contents at any length. It seems sufficient to say that this edition appears to us to possess the same merits which characterized its predecessors. The authors have shewn commendable energy in utilizing the latest decisions, as we find the case of *Morgan* v. *Windover* cited from the Patent Office Reports, though the number containing it was only issued on the 7th of May. There is a short chapter on the Institute of Patent Agents, which, founded so recently as 1882, has already obtained the authority of the Legislature to regulate and supervise the profession of patent agents, who form a body steadily growing in numbers and importance. The authors seem to be a little remiss in not informing their readers what foreign countries have now been brought within the scope of the 103rd section of the Act of 1883, while, as to the colonies, they are in error in stating that only New Zealand has come within section 104. Queensland was provided for by an Order in Council several years ago. We still miss in this edition the useful assistance to be received

from side-notes, and the full list of references to the different series of reports for cases, now expected of legal writers, is also wanting. The type is well selected and makes the book pleasant to read.

POOR LAW ORDERS.

ORDERS ISSUED BY THE POOR LAW BOARD AND THEIR PREDECESSORS UNDER THE ACTS RELATING TO THE RELIEF OF THE POOR, THE ELEMENTARY EDUCATION ACT, 1876, AND THE VACCINATION ACTS, 1867, 1871, AND 1874, WITH EXHAUSTIVE NOTES AND AN ELABORATE INDEX. By ALEXANDER MACMORRAN, M.A., and S. G. LUSHINGTON, M.A., B.C.L., Barristers-at-Law. Shaw & Sons.

If this volume were to be taken to represent by its size the number of orders issued in respect of the Acts mentioned, it would, indeed, represent a portentous amount of official legislation. But the orders which are collected are printed in large type, and occupy probably less space than the notes, which are truly, as the title-page says, exhaustive, in the sense of containing complete and full explanations and commentaries on the provisions of the orders. The book contains the general orders relating to the relief of the poor from 1841 to last year; the Asylum District Orders from 1867 to 1874; the Elementary Education Orders from 1877 to 1879; and Vaccination Orders and Memoranda from 1859 to 1889. Lists are also given of the orders of a similar character in force in unions and separate parishes to which the orders printed in this volume are not applicable. The notes appear to be constructed with great care and industry. They usually set out, first, the enactment to which a particular clause of the order under discussion relates, and then give the purport of any decisions upon the subject-matter, and (what is more difficult to get at) the views of the Local Government Board and their predecessors upon the extent and effect of the provisions as stated in their official memoranda and circular letters, and also as stated in the annual reports of the Department, to which frequent reference is made. There are also copious cross-references. In fact, nothing can be imagined more complete than the exposition of the orders given in the notes, and the volume can hardly fail to prove of the greatest value to persons concerned with the branches of local government to which the volume relates. There is a very full and carefully-arranged index.

CONTRACTS.

A TREATISE ON THE LAW OF CONTRACTS, AND UPON THE DEFENCES TO ACTIONS THEREON. By JOSEPH CHITTY, Jun., Esq. TWELFTH EDITION. By J. M. LELY, Esq., M.A., and NEVILL GEARY, Esq., M.A., Barristers-at-Law. Sweet & Maxwell (Limited).

In the present edition there has been an extensive sub-division into chapters; the six chapters of the previous book being multiplied into twenty-seven—a change which we think conduces considerably to the clearness of arrangement and ease of reference. There has also been some transposition of matter and addition of subjects. The chapter on contracts with married women has been remodelled, and is now very well arranged. We have found all the cases we have looked for carefully noted, and we must mention with special praise the practice of adding the date to each case. We are glad also to say that in very many places we find evidence that the cases cited have been read and considered, and not merely stated by their head-notes. Altogether we think this new edition of Russell is very creditable to the editors.

INFANTS.

A TREATISE ON THE LAW AND PRACTICE RELATING TO INFANTS. By ARCHIBALD H. SIMPSON, M.A., Barrister-at-Law. SECOND EDITION. By EDGAR J. ELGOOD, B.C.L., M.A., Barrister-at Law. Stevens & Haynes.

Few recent books have so distinctly supplied a want as Simpson on Infancy, and we fancy that the profession will welcome a new edition, corrected in the light of recent legislation. We think that, on the whole, the new edition has been carefully edited. The decisions since the last edition are noted, and the provisions of recent statutes incorporated. We should have been glad, however, of a fuller discussion of the cases on the Infants' Relief Act, 1874.

The Trinity Sittings of the Irish Law Courts began on Monday with the usual formalities. A meeting of the Benchers was held at which Mr. Kenny, Q.C., was made a Bencher. Mr. Carson, Q.C., who was proposed on a former occasion, withdrew his name, in view, it is understood, of his succession to the office of Solicitor-General, on the promotion of Mr. Atkinson, Q.C. Whether his promotion is to be to the office of Attorney-General, in the event of Mr. Madden accepting the vacant judgeship, or to the Bench, in the event of the Attorney-General declining it, with even the remote prospect of an Equity Judgeship, is a moot question which is understood to be under the consideration of the Government.

CASES OF THE WEEK.

Court of Appeal.

ALDAM v. BROWN—No. 2, 4th June.

PRACTICE—RIGHT OF APPEAL—ORDER BY CONSENT OF PARTIES—ACCEPTANCE OF ORDER OFFERED BY COURT—JUDICATURE ACT, 1873, s. 49.

In this case the question arose whether there was any right of appeal. The preliminary objection was taken, on behalf of the respondent, that the appellant could not appeal, on the ground that the order appealed from had been made by the consent of the parties, and, therefore, by section 49 of the Judicature Act, 1873, was not subject to appeal, except by leave of the judge who had made it, and that leave had not been obtained. At the trial of the action Kekewich, J., was of opinion that the plaintiff was not entitled to the relief which he claimed, and offered him the alternative of taking a different order or of having his action dismissed. The plaintiff elected to take the order thus offered him. The judgment, as drawn up by the registrar, contained these words: "And the plaintiff by his counsel accepting an inquiry and account in the form hereinafter directed, the court doth order," &c. The plaintiff appealed, with the view of obtaining the relief which he had originally claimed.

THE COURT (COTTON, BOWEN, and FRY, L.JJ.) overruled the objection. They were of opinion that the order was not an order made by consent within the meaning of section 49. There had been no bargain between the parties, but the plaintiff had merely accepted the order offered him by the court to avoid the dismissal of his action. The appeal was then heard on its merits, and was dismissed.—COUNSEL, *Warmington*, Q.C., and *Chadwyck-Healey*; *Neville*, Q.C., and *Jason Smith*. SOLICITORS, *Pittman & Sparshley*; *S. W. Johnson & Son*.

Re SHARP, RICKETT v. SHARP—No. 2, 5th June.

WILL—CONSTRUCTION—TRUSTEE—POWER OF INVESTMENT—DEBENTURES OF "PUBLIC COMPANY."

In this case a question arose as to the construction of a power of investment given by a will to trustees. The testator by his will empowered his trustees to invest the trust funds in or upon (*inter alia*) "the debentures or securities of any railway or other public company carrying on business in any part of the United Kingdom." An originating summons was taken out by the trustees with the view of obtaining the opinion of the court as to what companies came within the description of "public company." The summons asked the court to determine whether certain companies specified by name were "public companies" within the meaning of the will, so that the trustees might invest moneys subject to the trusts of the will upon the security of debentures of those companies. The specified companies were incorporated by registration under the Companies Act, 1862. The summons also asked the court to give, for the future guidance of the trustees, a general definition of the words "public company" as used in the will. Stirling, J., declined to give any general definition, but he held that the specified companies were "public companies" within the meaning of the will. Upon the appeal it was argued that the words "public company," being coupled with "railway company," were restricted to companies constituted in the mode in which railway companies were ordinarily constituted—*i.e.*, companies incorporated by a special Act of Parliament, or possibly incorporated by royal charter, or companies formed for carrying on a business analogous to that of a railway company.

THE COURT (COTTON, BOWEN, and FAY, L.JJ.) affirmed the decision. COTTON, L.J., said that the question to be decided was—not what was the general meaning of the term "public company," but whether certain specified companies did, according to their constitution, come within the words as used in the particular will. Stirling, J., was quite right in declining to give a general definition of the words, and also in holding that the particular companies mentioned came within the words. The specified companies owed their existence to a particular Act of Parliament, their memoranda and articles of association were necessarily public documents, and their shares were transferable. His lordship thought that companies possessing these characteristics could not be excluded from the description of "public companies." It was said that these companies were excluded from the description, because "public company" was mentioned in conjunction with "railway company," and a railway company was ordinarily incorporated by a special Act. His lordship could not see the force of that argument, nor could he see any ground for limiting the words to companies carrying on a business somewhat like that of a railway company. Of course, Stirling, J., did not intend to decide that the debentures of the specified companies were desirable investments; he only held that they came within the words of the will. The mere fact that these securities came within the words of the will would not absolve the trustees from the duty of exercising their discretion as to the propriety of investing the trust moneys in them. They must have regard to the position of the companies. A trustee who was authorized to invest on real security would not be justified in investing upon any mortgage which was offered to him. BOWEN, L.J., concurred. FAY, L.J., would not say that all the three characteristics mentioned by Cotton, L.J., were necessary to constitute a "public company"; he would only say that, when these three characteristics co-existed, the company was a "public company." COUNSEL, *F. F. Wheeler*; *Beaumont*. SOLICITORS, *Steadman*, *Van Praagh*, & *Sims*; *Beaumont & Son*.

Re NORTH AUSTRALIAN TERRITORY CO.—No. 2, 3rd June.

COMPANY—WINDING UP—POWER OF COURT TO SUMMON PERSON FOR EXAMINATION—DISCRETION—PENDING ACTION BY COMPANY—DISCOVERY FOR

PURPOSES OF ACTION—RIGHT OF APPEAL FROM ORDER FOR EXAMINATION—COMPANIES ACT, 1862, ss. 115, 117.

Questions arose in this case as to the exercise of the power, given to the court by sections 115 and 117 of the Companies Act, 1862, to summon persons for examination and to examine them, and as to the right of appeal against an order for examination. By section 115: "The court may, after it has made an order for winding up the company, summon before it any officer of the company, or person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate, or effects of the company; and the court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company; and if any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, having no lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause such person to be apprehended, and brought before the court for examination; nevertheless, in cases where any person claims any lien on papers, deeds, or writings or documents produced by him, such production shall be without prejudice to such lien, and the court shall have jurisdiction in the winding up to determine all questions relating to such lien." And by section 117: "The court may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before them in manner aforesaid concerning the affairs, dealings, estate, or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same." The above company was an English company, formed to purchase an estate in Australia. The vendors were an Australian company, called Goldsbrough & Co., who had an office and a board of directors and a secretary in London. On August 9, 1889, the North Australian Company passed resolutions for a voluntary winding up, and a supervision order was afterwards made. On November 7, 1889, the liquidator, in the name of the North Australian Co., commenced, by the leave of the court, an action in the Chancery Division against Goldsbrough & Co., to set aside the agreement for purchase on the ground of misrepresentation. In this action an order was made by Kay, J., that the secretary in London of Goldsbrough & Co. should make an affidavit as to documents in the possession of that company, but it was directed that there should be no production of documents without the further order of the court. Kay, J., also refused an application by the plaintiff company for leave to deliver interrogatories for the examination of the English chairman and secretary of the defendant company, on the ground that it was premature to make such an order until the defence to the action had been put in. The liquidator afterwards applied for and obtained from Kekewich, J., who was then sitting for Kay, J., an order, under section 115, for the examination of the secretary. He attended for examination, and objected to answer some questions put to him, and the matter was referred to the judge. It was contended that the questions were put with the view of obtaining discovery for the purposes of the action, and that, while the action was pending, no questions ought to be allowed under section 115 relating to the matters in issue in the action. Kekewich, J., held that the questions ought to be answered, and he made an order that the secretary should attend at his own expense and answer. On the hearing of the appeal, the question was raised by the court whether the appellant ought not to have appealed against the original order that he should attend for examination, and reference was then made to *Re Gold Co.* (23 SOLICITORS' JOURNAL, 681, 12 Ch. D. 77) as shewing that a person summoned for examination under section 115 has no *locus standi* to appeal against the order. In that case Jessel, M.R., said (12 Ch. D., p. 82):—"It appears to me that a man ordered to be summoned under the 115th section has no right to apply to the court to discharge that order. He is not more nor less than a mere witness, like a witness in any other case; but he has this protection, that in an ordinary action the *subpœna* issues as a matter of right at the option of the litigant, whereas in this case it cannot be issued without the opinion of the judge of a superior court being obtained that it is a proper case in which to issue a summons, which comes in lieu of the *subpœna*." Baggallay, L.J., said (12 Ch. D., p. 86):—"I cannot understand that there is a right of appeal on the part of any of the persons summoned as witnesses." And Thesiger, L.J., said (12 Ch. D., p. 86):—"I prefer in this case to express no opinion upon the point whether the appellants have any *locus standi*, but, at the same time, I do not wish it to be supposed that I dissent in any way from the view which has been expressed upon that point by the Master of the Rolls." In that case it was not necessary for the court to decide the question of *locus standi*, because they held, upon the merits, that there was no ground for disturbing the exercise of discretion by the judge of first instance (FRY, J.).

THE COURT (COTTON, BOWEN, and FRY, L.JJ.), reversed the decision. COTTON, L.J., said that the court had not now to decide whether a person summoned for examination under section 115 had a *locus standi* to appeal against the order. His lordship would not express any opinion that such a person could not under proper circumstances appeal. It would seem strange if a person who was not a witness in the ordinary sense could not appeal from such an order if it were wrongly made. But that point was not now in question, there being no appeal against the original order for examination. In his lordship's opinion sufficient regard had not been paid to the words of section 115. It said that "the court may summon" for examination the persons mentioned. The power was discretionary. No right was given to anyone; the matter was for the court. In the present case the questions objected to were plainly put in order to obtain information for the purposes of the action. The court ought to interfere if it could see that the questions put were not proper ones. It was the practice to limit the questions to be put, when leave was given under section 115 to a creditor or a contributory to summon a person for examination, but the court generally trusted the liquidator, unless it could see that questions put by him were not proper. His lordship could not see how the questions put in the present case were in the interest of the company, except for the purpose of enabling it to carry on the action. The secretary had been ordered in the action to make an affidavit as to documents, with the special limitation that there was not to be any production without the leave of the court. And in the action Kay, J., had also refused to give leave at present to deliver interrogatories for the examination of the secretary, on the ground that it would be premature to do so before the defence of Goldsbrough & Co. to the action had been put in. The application under section 115 was really an attempt to go contrary to that decision; an attempt to go round it and by a side wind to do what the judge had then refused to do. In his lordship's opinion, it would be wrong in this case to allow the liquidator, by means of section 115, to obtain that discovery and inspection which the judge had already held that it was premature to permit. His lordship did not say that circumstances might not hereafter arise in which it might be proper to allow such questions to be put. But it would not be right as yet to allow any questions to be put relating to matters in issue in the action. BOWEN, L.J., said that section 115 placed the examination and its limits in the discretion of the court. His lordship thought that the court ought not to attempt to classify or categorize all the occasions on which it would be wise or unwise to make such an order, or to fetter the discretion of the court in the future. It should be observed that the power given by section 115 was an extraordinary one, of an inquisitorial nature, enabling the court to direct the examination (before an examiner, not before itself) of a third person not a party to a litigation. It was a power which might work with great severity against a third person, and it ought to be used with great care, so as not to put the machinery of justice in operation when it was not wanted, or at a stage of the proceedings when it was not wanted. Having regard to these characteristics of this power, his lordship would be loath to say that the person who was to be examined had not a *locus standi* to appeal from the order for examination. It was not necessary to decide that point now, but he thought it should be left quite open, because some language used by Jessel, M.R., in *Re Gold Co.*, seemed on the first blush to go too far, and to be contrary to *Heiron's case* (24 SOLICITORS' JOURNAL, 537, 15 Ch. D. 139). His lordship did not wish to lay down a hard-and-fast rule as to the use of this power, nor to say that the concurrence of an action was an absolute bar to its use, though the fact that an action had been commenced by the liquidator himself was a material circumstance to be considered. It was sufficient to say that here the answers were not wanted for the purpose of the winding up, but only for the purposes of the action. Leave to deliver interrogatories was refused, because the judge thought they were premature. The court in this very matter thought that complete discovery, even for the purposes of the action, was not wanted at this moment. *A fortiori* one would think it was not wanted for the purposes of the winding up, it being admitted that it was only wanted with reference to the matters in dispute in the action. It was impossible to resist the conclusion that this was really an attempt to give the go-by to that decision, and to obtain that discovery which the court thought was premature for the purposes of the action. It would be an abuse and an oppression to allow the witness to be forced to give the discovery in this way. His lordship would say nothing as to the use of section 115 hereafter for the purpose of discovery in aid of the winding up. FRY, L.J., entirely agreed in what had been said as to the nature of section 115. The whole proceeding under that section was by the court, and the liquidator, or the creditor or contributory, who was allowed to examine, did so only by the leave of the court. It was entirely different from the case of a litigant summoning a witness and examining him before the court. The question to be considered was whether the judge himself would put the questions and require them to be answered. In the present case his lordship could not help seeing that the liquidator had been endeavouring to induce Kekewich, J., to exercise the discretion in a different way from that in which Kay, J., had exercised it with regard to the interrogatories. His lordship desired to abstain from laying down any proposition which would fetter the discretion of the court under section 115. But one could see that the question whether a man should be twice vexed might be very material. In the present case, the right way to exercise the discretion was to say that the appellant ought not to be required to answer the questions. The Court of Appeal was always very loath to interfere with an exercise of discretion by the judge below, but Kekewich, J., seemed to have proceeded on a notion that the liquidator had a right to compel an answer, whereas the power was given to the court.—COUNSEL, *Latham*, Q.C., and *Pollard*; *Renshaw*, Q.C., and *C. E. E. Jenkins*. SOLICITORS, *Freshfields & Williams*; *Saunders, Hawksford, Bennett, & Co.*

[It should be observed that in Buckley on the Companies Acts (4th ed.), p. 269, the question of *locus standi* to appeal against an order, under section 115, directing a person to attend for examination, is thus treated:—"The person summoned to be examined has no *locus standi* to appeal against the order directing him to attend, even where it has been obtained by a contributory, except in a case where the process of the court has been abused; but against an order which allows the section to be used oppressively and vexatiously an appeal will be entertained." In support of these propositions the learned author refers to *Re Gold Co.*, *Heiron's case*, and *Re Silkstone and Dodsworth Coal Co.*, *Whitworth's case* (26 SOLICITORS' JOURNAL, 42, 19 Ch. D. 118).]

High Court—Chancery Division.

Re NEVILL, ROBINSON *v.* NEVILL—Kay, J., 3rd June.

MORTGAGE—WILL—CONSTRUCTION—DEVISE OF MORTGAGED ESTATE—LIA-

BILITY OF ESTATE TO BEAR THE MORTGAGE—CONTRARY INTENTION—LOCKE KING'S ACT AND AMENDMENT ACTS, 1854, 1867, AND 1877.

The testator carried on a large business as a baker, and incurred debts partly relating to the business and partly to his private account. Some of the private debts, amounting to £35,500, were secured on equitable mortgages of various properties, some of which were used in the business. By his will, dated the 23rd of February, 1885, he devised and bequeathed to his son, Robert Nevill, the freehold and leasehold estates used in his business, subject as to one estate to a vendor's lien for unpaid purchase-money, and "subject, nevertheless, to and charged, in exoneration of the rest of my estate, with the debts and liabilities owing by me at my death in connection with the said business"; and he devised and bequeathed all the residue of his real and personal estate to trustees on trust for sale and conversion and payment of debts "other than those hereinbefore provided for"; and, subject to that, he gave the residue to other persons. The executors took out a summons claiming that Robert Nevill should contribute rateably to the payment of the private mortgage debts in proportion to the amount secured on the trade estates, and relied on the Locke King Acts. The respondent argued that the testator had expressed a contrary intention in his will.

KAY, J., said that the testator had not expressly mentioned mortgage debts in his will, but he did refer to a vendor's lien, and he had subjected the estate given to his son to payment of all trade debts. The scheme of the will provided for that in exoneration of the private estate, and that the other debts should be paid by the persons who took the residue. The Locke King Acts provided that mortgaged property must bear the burden unless a contrary intention were shewn by express words or necessary implication. Here the scheme of the will was to give his son the trade property, subject to trade debts, and no one could doubt that that would include any trade debts that might be secured on mortgage. The testator divided his debts into two classes, trade debts and other debts, and if the former class included mortgage debts the latter class must include them also. Therefore, the residuary devisees and legatees were only to take what was left after paying the private mortgage debts. That was the intention the testator expressed on the face of the will, and the Acts did not interfere with that construction. The son must pay the trade debts, but the residuary devisees and legatees must pay the private debts, including these mortgage debts. Summons refused.—COUNSEL, *Marten*, Q.C., and *Vernon Smith*; *Rigby*, Q.C., *Renshaw*, Q.C., and *Swinfen Eady*. SOLICITORS, *A. Lawrence Houlder*; *Snow, Snow, & Fox*.

High Court—Queen's Bench Division.

REG. *v.* JUDGE OF THE CITY OF LONDON COURT—16th May.

TYPE-WRITTEN AFFIDAVITS WRITTEN ON ONE SIDE ONLY—ORD. 38, R. 7.

Motion *ex parte* to the Divisional Court for an order *nisi* to compel the judge of the City of London Court to shew cause why he should not hear an action of *Forbes, Abbott, & Co.* v. *Paul Hecker & Co.* The affidavits in support of the application were not filed in court, and when they were afterwards handed in to the Crown Office on drawing up the order, it was found that they were type-written on one side of the paper only. The Queen's Coroner refused to allow the order to be drawn up, on the ground that, being written or printed on one side of the paper only, the affidavits were informal and not in conformity with the requirements of ord. 38, r. 7, which directs that "every affidavit shall be written or printed bookwise," the practice of the court having always been to reject affidavits not written on both sides of the paper, bookwise. The applicant now moved the court (Lord Coleridge, C.J., and Mathew, J.) for leave to file the affidavits.

LORD COLERIDGE, C.J., said: In this particular instance, as no harm can now be occasioned, we will allow these affidavits to be filed, but we have given instructions to the master that no such affidavits are to be received in future. The rules as to affidavits are not merely formal, but are framed to prevent certain consequences that might result from the breach of them, and they must be observed.—COUNSEL, *Lennard*. SOLICITORS, *Ingledew, Ince, & Co.*

Solicitors' Cases.

Re REDE, A Solicitor, *Ex parte* DAVY—C. A. No. 1, 4th June.

PRACTICE—APPEAL—STRIKING SOLICITOR OFF ROLLS—SOLICITORS ACT, 1843 (6 & 7 VICT. c. 73), s. 32.

This was an appeal from the decision of a divisional court (Lord Coleridge, C.J., and Mathew, J.). A charge having been made against a solicitor under section 32 of the Solicitors Act, 1843, that he had suffered his name to be made use of upon the account or for the profit of an unqualified person named Alfred Vague, knowing such unqualified person not to be duly qualified to act as a solicitor, the committee of the Incorporated Law Society, by whom the matter was investigated, found the charge to be proved. Upon this the court made an order directing his name to be struck off the rolls. He appealed, and a preliminary objection was taken, on behalf of the Incorporated Law Society, that no appeal would lie, because it was a criminal matter.

THE COURT (Lord ESHER, M.R., and LINDLEY, L.J.) overruled the objection. LORD ESHER, M.R., said that it was contended that because the section enabled the court to pass a sentence of imprisonment on the unqualified person, and because the court had held in *Re Grayston* (32 SOLICITORS' JOURNAL, 693) that such person, if so sentenced, could not appeal, therefore the solicitor also could not appeal. That was not so. The Legislature had recognized a clear distinction between the solicitor, over whom, as an officer of the court, the court had a disciplinary jurisdiction, and the unqualified person, over whom it had no such jurisdiction. The Act enabled the court to send the latter to prison, and, if it did so, he could not appeal against their order; but the punishment of the solicitor was striking him off the rolls. That was an exercise of the disciplinary power of the court, from which there was always an appeal to this court. There was an obvious distinction between the unqualified person and the solicitor, the one was a criminal and the other was not. In the present case the order of the Divisional Court was not an order in a criminal cause or matter, and therefore the appeal must be heard. LINDLEY, L.J., concurred.—COUNSEL, *Hollams*; *William Willis*, Q.C., and *Pollard*. SOLICITORS, *E. W. Williamson*; *Burgess & Cosens*.

LAW SOCIETIES.

THE INCORPORATED LAW SOCIETY OF LIVERPOOL.

THE PUBLIC TRUSTEE BILL, 1890.

The following report has been made by the committee of this society:—

The Public Trustee Bill, 1890, was introduced into the House of Lords by the Lord Chancellor, and, after considerable discussion and amendment, has been read a third time and passed by that House. The object of the Bill is to meet a difficulty alleged to be experienced by private individuals and public bodies in finding suitable trustees. For this purpose the Bill proposes to establish the office of public trustee, or in other words to constitute a Government department for the administration of private trusts. The public trustee is to be a corporation sole with perpetual succession, and is to be eligible to act (if appointed) either as an original or new trustee of any will or family settlement, and either alone or jointly with any person or body of persons. He is to be appointed in the same cases (with one unimportant exception) and in the same manner and by the same persons or court as if he were a private trustee. He may also be appointed to "perform any trust or duty belonging to a class which he is authorized to accept" by general orders to be made from time to time by the Lord Chancellor with the concurrence of the Treasury, but subject to the veto of either House of Parliament. The scope of the public trustee's possible powers is accordingly extremely wide, and would apparently extend to his acting (should a general order to that effect be made), as an executor or administrator, guardian, committee of a lunatic, receiver and manager, official or other liquidator, trustee in bankruptcy, trustee for debenture-holders, or perhaps even as a director of a company. There is a further provision whereby the court having jurisdiction to grant probate of a will or letters of administration may grant such probate or letters to the public trustee (if a general order has been made authorizing him to accept such offices), and must as regards letters of administration consider the public trustee as in law entitled "equally with any other person or class of persons" to obtain such grant. In every case of intestacy the public trustee will therefore be entitled to compete with the next of kin of the deceased for the right to administration; further, even when a testator by will leaves all his property to an individual but omits to appoint an executor, the public trustee will have an equal right with the universal legatee to obtain letters of administration with the will annexed. While, however, the public trustee has so large a jurisdiction conferred upon him, his public usefulness is materially limited by the fact that he cannot have any trust cast upon him against his will, inasmuch as he is expressly authorized to decline any trust. The appointment to the office of public trustee is to be with the Lord Chancellor, and his remuneration is to be fixed by the Treasury. He will be authorized to employ officers and persons, and may be required to maintain branch offices for the purpose of transacting business elsewhere than in London. The Bill states that the public trustee is to have all the powers and rights of a private trustee, and is (with certain important exceptions) to be subject to the same duties and liabilities, but the value of this provision is much weakened by the fact that it is expressly made subject to the provisions of the Bill and to the rules to be made thereunder, and the Bill gives power to the Lord Chancellor with the approval of the Treasury to make rules for regulating the office and for carrying the Bill into effect, and in particular as to the accounts to be kept and the audit thereof. It is therefore open to the Lord Chancellor to frame a code of powers, rights, duties and liabilities applicable to the public trustee which might, and naturally would be, very different from those now recognized as applicable to a private trustee. The Bill introduces for the benefit of the public trustee a system of remuneration, the principle and amount of which are not indicated by the Bill but are left to be settled by the Treasury with the sanction of the Lord Chancellor. It has hitherto been the policy of the law that a trustee should not derive any pecuniary benefit from the execution of his trust unless such benefit were expressly conferred upon him by the person creating the trust. The Bill, while making no change in the law as regards private trustees, reverses this principle as regards the public trustee, and even goes so far as to empower the Treasury, which will be the recipient of such benefit, to fix the amount. The language of the Bill shews that it is contemplated that the proposed department will yield a profit to the State. The committee, after carefully considering the provisions of the Bill, are of opinion that the establishment of a public trustee upon the lines of the Bill is unnecessary and that it is undesirable in the interests of the community and especially of beneficiaries. The system of private trusteeship has worked well in this country for many generations, and recent alterations in the law have made it more workable than at any previous period

The committee are of opinion that no sufficient reason exists for interfering with that system by placing in competition with it another system which will enjoy all the prestige of a Government department, and will naturally on that account meet with an amount of favour with the courts not enjoyed by private trustees. The Bill ignores the fact that the functions of a trustee are not confined to the preservation and investment of the trust estate and the distribution of its income. By far the larger number of trusts are created by wills and settlements, the object of which is to provide for infants and other persons who are not *sui juris*, and the duties of trustees are often rendered delicate and difficult by their having to take into account personal and moral considerations. A public department could not be expected to take these considerations into account: it would necessarily act according to fixed rules and without elasticity. In the case of infants, the question of guardianship is inextricably mixed up with that of trusteeship, and would be eminently unsuited for treatment by a public department. Again, a public department acting upon rigid rules would not do many things which a private trustee will frequently do in the interest of the *cestuis que trustent*. A private trustee will often take upon himself a nominal risk, sometimes a serious risk, for their benefit: the public trustee would never do so. If it were a question of carrying on a testator's business for a few months to enable it to be disposed of to greater advantage, the private trustee might, in certain cases, be willing, but the public trustee would never do so. He would look at the risks and not at the advantages. The committee are also of opinion that the creation of a trustee department would be in itself a serious evil. It would place considerable patronage in the hands of the Government, and call into existence a number of officials, who would in time become the rivals of the private trustee, and who would naturally seek to justify the existence of the office by extending its jurisdiction and making it a source of revenue to the State. Should it not prove a source of revenue as originally established, new functions will, doubtless, be added by subsequent enactments in order that an army of officials might have sufficient work to do. If it be urged that the public trustee is not intended to compete with the private trustee, attention need only be called to the clause which requires the court having jurisdiction in probate matters, to consider the public trustee as in law entitled equally with any other person to a grant of letters of administration. It is easy to foresee that in every case of a family dispute, the public trustee would naturally be selected by the court in preference to one of the next of kin. Very important, too, in this connection is the power by general order to confer upon the public trustee "any trust or duty." Should the public trustee be empowered by such a general order to accept the office of official liquidator of a public company, it is hardly likely that a court would appoint a private person to that office. The Bill, in short, proposes to establish officialism in a department of life which has hitherto been left to the individual. To what extent this will be done is to depend very largely upon general orders to be made under conditions which render opposition of little practical effect. This officialism, although sometimes voluntarily adopted by a settlor, may in other cases be compulsorily imposed, and yet the department will be at liberty to refuse trusts without reason assigned, and will thus fail to carry out the object for which it is to be established. The department, too, will act upon rules not embodied in the existing law or in the Bill itself, but to be laid down by another Government department; and, finally, the Treasury, which is to obtain the anticipated profit of the department, is itself to fix the rate of remuneration. It is beyond doubt that the beneficiaries in the case of a trust managed by the public trustee will be under serious disadvantages as compared with beneficiaries whose affairs are managed by a private trustee. The public trustee, acting according to a prescribed routine and without personal knowledge of the parties interested, would necessarily require strict evidence of pedigree, identity, and other matters such as is not needed by a private trustee, who is usually acquainted with his *cestuis que trustent* and often their near relative. This would increase the delay and expense to the beneficiaries quite apart from the public trustee's remuneration, and no better example can be given of the probable working of the proposed department than is furnished by the cumbrous, dilatory, and expensive formalities now required in order to complete a conveyance of land with a registered title. Apart from their grave objections to the main proposals of the Bill, the committee desire to draw attention to some anomalies which the Bill would create, if passed in its present form. It is proposed that the public trustee should be authorized to act either alone or jointly with any other person or body of persons. It has been already pointed out that the public trustee's duties will be largely determined by the provisions of the Bill and the rules to be made thereunder, and that they must to some extent differ from, and may very widely differ from, the duties of a private trustee, which will not be affected by the Bill, but will still depend upon the ordinary law. But if the public trustee acts jointly with a private trustee, the duties of each will be governed by different rules of law, and it is conceivable that the public trustee may be bound to do certain things which the private trustee is not bound to do or is even prohibited from doing, or *vice versâ*. Much confusion would be produced by such a state of things, and the result would doubtless be that the provision by which the public trustee may act jointly with another person or body of persons would remain a dead letter. The Bill also proposes to enact that when the trust property held by the public trustee involves the payment of any rent, call, or debt, the public trustee shall not be liable therefor, except so far as the trust property is available for the same. Such a provision would either lead to endless confusion or injustice, or to a revolution in the law of joint stock companies. Take the ordinary case of shares in a company not fully paid up devolving upon the public trustee. The practice is that a trustee, upon acquiring shares in such a company, is required by its regulations to be registered as absolute owner, no trusts being recognized. If the public trustee should be registered with the proposed limitation of liability the *cestuis que trustent* would get the benefit of the company's dividends while it remained prosperous, but would be able to evade liability in the event of calls being necessary. Two distinct classes of shareholders would be constituted, one class being liable to the extent of their means, another class liable to the extent of a trust estate of unknown, and possibly varying value. A company whose directors had the power of refusing to register transfers, would probably decline, under such circumstances, to register the public trustee as a shareholder, unless for fully paid-up shares. But this course would not be open to the majority of the companies whose shares are publicly quoted. Similar questions will arise in the case of leaseholds or other property held subject to the payment of rent or the performance of covenants. With reference to the difficulty which occasionally exists in obtaining suitable persons to act as trustees (a difficulty which would be lessened if private trustees were endowed with some of the immunities and benefits which the Bill proposes to confer upon the public trustee) the committee are of opinion that it will be met by the extension of the principle of trust companies which has lately been introduced into this country, and has for many years been successfully applied in the United States. They accordingly support the principle of the Trust Companies Bill now pending in Parliament, and are of opinion that with proper safeguards for the protection and administration of trust property the legalization of such companies will be a useful supplement to private trusteeships, and will supply the public requirements better than the Public Trustee Bill, without being open to the objections urged against that measure.

THE LIVERPOOL BOARD OF LEGAL STUDIES.

The annual meeting of the Liverpool Board of Legal Studies was held recently. Mr. F. J. HAWKINS, a member of the board representing the Incorporated Law Society, presided in the absence of Mr. W. A. Jevons, the chairman of the board. Among those present were Messrs. T. H. Bayliss, Q.C., J. Rutherford, F. J. Leslie, W. A. Coppinger, Maccunn, W. J. Stewart, W. A. Weightman, Rogers, J. S. Seaton, E. H. Sweny, F. Archer, C. B. R. Kent, A. F. Warr, Morris P. Jones, J. Thorneley, W. F. Wilson, C. B. Wilson, jun., and M. P. Jones.

The first prizes for each of the courses had been awarded to Mr. N. Gradwell. Mr. A. Rutherford was awarded the second prize in the first course, and in consideration of the fact that he had won the second prize in both courses he was awarded a special prize.

The CHAIRMAN, in moving the adoption of the report and statement of accounts, which showed a balance in hand of £73 8s. 6d., referred to the satisfactory progress of the association. He, however, expressed his regret that the lectures were being so poorly attended.

Mr. BAYLISS seconded. Law students should, he said, do all they could to make themselves proficient in the profession they had adopted. This could not be done without study, and the lectures which were being provided must prove exceedingly profitable to all attentive students.

Mr. W. A. COPINGER and Professor MACCUNN supported the motion, the latter expressing his pleasure at the fact that the accommodation at University College, where some of the lectures were delivered, would soon be so much improved.

The Chairman then presented the awarded prizes.

The following are extracts from the report of the committee:—

In continuation of the scheme of legal study which was determined upon by the board in the three previous years, a course of lectures has been provided on a branch of each of the three main divisions of law—viz., (*a*) Conveyancing (the sale of real estate); (*b*) Equity (general principles of equity and law of trusts); and (*c*) Common Law (the law of torts). The conveyancing lectures formed the first course, common law the second course, and equity the third course. The three courses were, as before, delivered consecutively, extending from the last week in September to the last week in April. Each course consisted of ten lectures supplemented by classes. The conveyancing lectures were of a very practical nature, and in the classes the students were furnished with an abstract of title on which requisitions were to be drawn and replies prepared, and they were also requested to draw and peruse a draft conveyance. In the common law classes the students were set to draw and settle the various pleadings in an action, and these were considered in class with the lecturer. Papers of questions were set weekly by the equity lecturer, and the answers to these questions were corrected and handed back to the students, and were afterwards either gone through in class or discussed individually with the students. At the conclusion of each course an examination was held, and two prizes of £3 3s. and £2 2s. respectively were offered for competition amongst articled clerks and bar students at each examination. Sir Henry Fox-Bristowe, Q.C., Vice-Chancellor of Lancaster, again very kindly provided the prizes offered at the examination held at the conclusion of the course on "Equity." It is to be regretted, however, that at the second and third courses only six and eight candidates respectively presented themselves at the examination, and, according to the usual practice of the board, only one prize of £3 3s. could be awarded. Having regard, however, to the examiner's reports, the board have determined to present to Mr. Rutherford, who was second in both courses, a special prize of £2 2s. for the excellent papers sent in by him. The fees charged for the lectures have been the same as in previous years—viz., 7s. 6d. a course, or £1 for the three courses, to students who were members of the Liverpool Law Students' Association, and a fee of 10s. 6d. a course, or £1 10s. for the three courses, to others not members of that body. The amount received from this source has been

£42 2s. 6d. as compared with £40 13s. last year. In addition to the three courses already mentioned, the board provided a course of lectures on "Subjects in Bankruptcy Law," by W. F. Taylor, Esq., barrister-at-law. The course consisted of eight lectures, which were delivered in the Law Library between 5.15 and 6.15 on consecutive Thursday evenings, commencing on the 10th of October. The fee charged for this course was 10s. 6d. each, and the amount received from this source was £5 15s. 6d. The board regret that they cannot regard Mr. Taylor's course as being well supported, even taking into consideration the fact that the lectures were more particularly intended for advanced students. The following is a table of the attendance at each course:—1st course: number of students entered, 42; average attendance, at lectures, 34, at classes, 23; number present at examination, 11. 2nd course, number of students entered, 34; average attendance, at lectures, 22, at classes, 12; number present at examination, 6. 3rd course: number of students entered, 35; average attendance, at lectures, 23, at classes, 18; number present at examination, 8. Bankruptcy: number of students entered, 11; average attendance, at lectures, 8 The board feel that the attendance at the lectures and classes should be largely increased, and they appeal to solicitors to bring the great advantages to be derived from the lectures provided by the board under the notice of their articled clerks. In addition to the above lectures the board made arrangements for two courses of evening lectures, in the place of the three courses delivered last year. The first course was delivered before Christmas and the second after Christmas. The courses were as follows:—Subjects—(1) Marine insurance; lecturer: T. G. Carver, Esq., barrister-at-law. (2) Principal and agent; lecturer: A. G. Steel, Esq., barrister-at-law. Each course consisted of five lectures, which were delivered at the University College on Tuesday evenings, at 8 30 p.m., the fee charged for each course being five shillings. The lectures were intended to meet the requirements of mercantile clerks and non-professional students, as well as of students proposing to enter the legal profession. Unfortunately only a short time before these lectures commenced, and after the prospectuses had been distributed and the lectures advertised, the order of the courses had to be reversed. This had a serious effect on the attendance at the course on "Principal and Agent," as a large number of gentlemen came to the first lecture under the impression that the subject of the course was "Marine Insurance," and no doubt many who were desirous of attending the course on "Principal and Agent" did not hear of the alteration in the dates until it was too late for them to attend that course. The attendance at these lectures was at follows:—1st course ("Principal and Agent"): attendance at first lecture (free), 31; number of students entered, 11; average attendance, exclusive of first lecture, 8. 2nd course ("Marine Insurance"): attendance at first lecture (free), 35; number of students entered, 35; average attendance, exclusive of first lecture, 31. The financial condition of the board continues satisfactory, there being a credit balance in hand of £73 8s. 6d., of which £4 15s. 6d. belongs to the prize fund. The board wish to express their thanks to the Incorporated Law Society of the United Kingdom, the University College, Liverpool, and the Liverpool Law Students' Association for the very liberal grants made by those bodies to the funds of the board, and also to those members of the profession who have so generously augmented the funds by subscriptions and donations. At the same time they regret very much that the Incorporated Law Society of the United Kingdom could not see their way to continue the larger grant of £150 per annum, which for the two previous years they had made to the board, and they earnestly hope that the state of the funds of that society in future will be such as to lead them to increase their contribution.

LAW ASSOCIATION.

The annual general court of this association was held on May 29, 1890, the vice-president, Mr. John Boodle, in the chair. The following report of the board of directors was presented:—

1. The directors have the pleasure of submitting a report of their proceedings and the accounts for the past twelve months.

2. The directors have considered thirty-three members' cases, and have distributed amongst them the aggregate sum of £1,315.

3. They have also distributed the sum of £52 10s. amongst 4 non-members' cases and recommend to the general court that a sum of £150 be placed at their disposal for distribution amongst the cases of non-members for the ensuing year.

4. The directors have the pleasure to report that they have received towards the funds of the association a donation of £84 from Mr. John Mackrell.

5. The directors have the further gratification of announcing that the office of president, vacated by the lamented death of the late Laurence Desborough, Esq., has, at their solicitation, been accepted by the Attorney-General, Sir Richard Everard Webster, Q.C., M.P.

6. The following amounts of stock now belong to the association—viz.: Consols (2½ per cent), £22,480 11s. 9d.; India 3 per Cents., £4,162 18s. 6d.: India 3½ per Cents., £465 13s. 2d.; Great Indian Peninsular Railway Stock, £2,500; East Indian Railway Company (Annuity Class B), £6,837 10s.

7. The dividends received during the past year from these investments amounted to £1,180 16s. 1d., and, with £302 8s., the amount received for the like period in respect of annual subscriptions, and £84 donation, made the total income of the association £1,567 4s. 1d. for the year.

8. The directors have to report, with deep regret, the deaths, during the past year, of the following members of the association:—Mr. Robert Baxter, Mr. Edward Wallwyn James, Mr. Gerard Ford, Mr. W. B. S. Rackham, and Mr. John B. Lee.

9. The directors are sorry to state that very few new members have joined the association during the past year, and feel that it only needs a little active personal effort on the part of individual members in explaining the objects of the association, and in inviting professional friends to become subscribers, to obtain a large addition to the list of members to this metropolitan association, and thus enable the directors to make larger grants to the numerous applicants for assistance.

10. By the regulations of the association, the president, vice-president, treasurers, directors, and auditors for the ensuing year are to be elected at the present meeting.

11. In conclusion, the directors cannot but feel that the proceedings of past years are well calculated to impress on the minds of the supporters of the association a strong feeling in favour of its continued usefulness, and the only reward they desire for their exertions in this charitable work is the approbation of the members at large and their general activity and zeal in promoting the interests of this truly benevolent institution.

THE LAW IN 1847 AND THE LAW IN 1889.

Lord Coleridge has published in this month's *Contemporary Review* the address which he delivered to the Birmingham Law Students' Society in March, 1889. We shortly reported the address at the time, but there are many passages in the complete text which will be read with interest. Lord Coleridge says:—I began my legal life in 1847, and at that time the common law rested mainly, though not exclusively, upon special pleading, and truth was investigated by rules of evidence so carefully framed to exclude falsehood, that very often truth was quite unable to force its way through the barriers erected against its opposite. Plaintiff and defendant, husband and wife, persons, excepting Quakers, who objected to an oath, those with an interest, direct or indirect, immediate or contingent, in the issue to be tried, were all absolutely excluded from giving evidence. Non-suits were constant, not because there was no cause of action, but because the law refused the evidence of the only persons who could prove it. I do not speak of Chancery, which had defects of its own, because I pretend to no more knowledge of Chancery practice than is picked up by a common lawyer who, as he rises in his profession, is taken into courts of equity to examine a witness or to argue a case upon conflicting facts. Questions as to marriage, and as to wills, so far as they related to personal property, were under the jurisdiction of courts called ecclesiastical, with a procedure and principles happily of their own, and presided over by judges not appointed by the Crown. The admiralty jurisdiction, at all times of great, in time of war of enormous, importance, was in practice committed to an ecclesiastical judge. Criminals, except in high treason and in misdemeanour, could be defended by counsel only through the medium of cross-examination. Speeches could be delivered, with the above exceptions, only by the prisoners themselves, and the system of writing speeches for the parties themselves to deliver, a system of which, in questions of real property, the orations of Isæus, and, in other matters, those of Lysias, Isocrates, and many even of Demosthenes himself, are examples, this system never, I know not why, obtained in this country. Then, too, during large portions of the year, the common law courts, were, from necessity, altogether closed. The circuits occupied, not quite, but nearly, at the same time, the services of fourteen judges; and while the circuits went on there was no work for common lawyers in London except at the Privy Council and in the House of Lords. The circuits were great schools of professional conduct and professional ethics; and the lessons learnt upon them were to receptive minds of unspeakable value. The friendships formed on circuit were sometimes the closest and most enduring that men can form with one another; the cheery society, the frank manners, the pride in the body we belonged to, the discipline of the mess, the friendly mingling together on equal terms of older and younger men, the lessons to be learnt, both from leaders who were good and leaders who were bad, by the constant attendance in court which was the invariable custom, the large amount of important and profitable business which was transacted; all these things gave the circuits a prominent and useful place in the life of a common lawyer, which, I am afraid, they are ceasing to have, except in a few of the largest and most populous counties. Such, in rude outline, was the bar when I joined it forty-two years ago. The system had its great virtues, but it had its great and crying evils; and they were aggravated by the powerful men who at that time dominated Westminster Hall, and whose spirit guided its administration. The majestic presence of Lord Lyndhurst, a luminous, masculine, simple, yet most powerful mind, the very incarnation to an outward observer of courtesy and justice, was departing from the bench; Lord Denman, high-bred, scholar-like, with a noble scorn of the base and the tricky, was just about to follow. The ruling power in the courts in 1847 was Baron Parke, a man of great and wide legal learning, an admirable scholar, a kind-hearted and amiable man, and of remarkable force of mind. These great qualities he devoted to heightening all the absurdities, and contracting to the very utmost the narrowness, of the system of special pleading. The client was unthought of. Conceive a judge rejoicing, as I have myself heard Baron Parke rejoice, at nonsuiting a plaintiff in an undefended cause, saying, with a sort of triumphant air, that "those who drew loose declarations brought scandal on the law." The right was nothing, the mode of stating everything. When it was proposed to give power to amend the statement, "Good Heavens!" exclaimed the Baron, "think of the state of the record!" *i.e.*, the sacred parchment, which it was proposed to defile by erasures and alterations. He bent the whole powers of his great intellect to defeat the Act of Parliament which had allowed of equitable defences in a common law action. He laid down all but impossible conditions, and said, with an air of intense satisfaction, in my hearing, "I think we settled the new Act to-day, we shall hear no more of equitable defences"! And

as Baron Parke piped, the Court of Exchequer followed, and dragged after it, with more or less reluctance, the other common law courts of Westminster Hall. Sir William Maule and Sir Cresswell Cresswell did their best to resist the current. Cresswell was a man of strong will, of clear, sagacious, sensible mind, and a sound lawyer; Sir William Maule seems to me, on reflection, and towards the close of a long life, on the whole, the most extraordinary intellect I ever came across. He could split a hair into twenty filaments at one time, and at another could come crushing down, like a huge steam hammer of good sense, through a web of subtlety which disappeared under his blow. A great scholar, a very great mathematician, who extorted, as I have been told by Cambridge men, a senior wranglership from examiners wedded to the synthetic method, in spite of his persistent and indeed defiant use of the analytic; a great linguist, an accomplished lawyer, and overflowing with humour, generally grotesque and cynical, but sometimes alive with a rich humanity. He was a somewhat disappointed man; his life was said hardly to court inspection: he was certainly, with all his great gifts, personally indolent. He was not a great judge, not because he could not, but because he would not be. He played with his office. An utter disbeliever in the virtue of women, he was cruel to them in court; but, with this large exception, there was nothing mean about him, nothing unjust; and anything like brutality or fraud roused his indignation, and brought out all the nobler qualities of his strangely compounded character. Baron Parke was, in a legal view, his favourite aversion.* "Well," I have heard him say, "that seems a horror in morals and a monster in reasoning. Now, give us the judgment of Baron Parke which lays it down as law." With the advent of Lord Campbell to the Chief Justiceship, a great lawyer, not wedded to the narrow technicalities, which he thoroughly understood, but did not admire, came to the assistance of good sense and justice. But for some time he struggled in vain against the idolatry of Baron Parke to which the whole of the common law at that time was devoted. Even so very great a lawyer and so independent a man as Sir James Willes dedicated a book to him as the judge "to whom the law was under greater obligations than to any judge within legal memory." One of the obligations he was very near conferring on it was its absolute extinction. "I have aided in building up sixteen volumes of Meeson & Welsby," said he proudly to Charles Austin, "and that is a great thing for any man to say." "I dare say it is," said Austin; "but in the Palace of Truth, Baron, do you think it would have made the slightest difference to mankind, or even to England, if all the cases in all the volumes of Meeson & Welsby had been decided the other way?" He repeated his boast to Sir William Erle. "It's a lucky thing," said Sir William, as he told me himself, "that there was not a seventeenth volume, for if there had been the common law itself would have disappeared altogether, amidst the jeers and hisses of mankind"; "and," he added, "Parke didn't seem to like it." Peace be with him. He was a great lawyer, a man of high character and powerful intellect. No smaller man could have produced such results. If he ever were to revisit the glimpses of the moon one shudders to think of his disquiet. No *absque hoc*, no *et non*, no colour, express or implied, given to trespass, no new assignment, belief in the great doctrine of a negative pregnant no longer necessary to legal salvation, and the very nice question, as Baron Parke is reported to have thought, whether you could reply *de injuriâ* to a plea of deviation in an action on a marine policy not only still unsolved, but actually considered not worth solution! I suspect that to the majority of my hearers I am talking in an unknown tongue, and it is strange that in the lifetime of one who has not yet quite fulfilled the appointed span of human life such a change, such a revolution in a most conservative profession, should be actually consummated. I must not indulge in any feeble attempt to reproduce the men who then, bound in the fetters of this system, yet in spite of them, enlightened us by their intellect, instructed us by their learning, charmed and touched us by their eloquence. Two alone remain of the great men of those times, Lord Bramwell and Sir Montague Smith, whom I mention, because they have, though living, entered upon the inheritance of their fame; the last, the most sensible, weighty, and sagacious of men; the first, a great lawyer, a keen intellect, who has chosen to cloak the kindest and most generous heart that beats on earth under a garb of caustic but humorous cynicism. The rest are gone: Willes, the greatest lawyer, I should think, since Sir William Grant; Jervis, the quickest mind, the keenest, terest, swiftest advocate; Kelly, who outlived his fame, but who was in his prime the not wholly unequal rival of Follett and of Campbell; Crowder, not much out of his profession except a kindly gentleman, but in it the greatest master of *Nisi Prius* I ever knew; Erle, whom I knew only as a judge, but whom I have heard in youth, and who was, in my opinion, by far the greatest advocate of his time; Cockburn, the accomplished scholar, the splendid orator; and Charles Austin, probably the most highly gifted of them all by nature, but who devoted his noble powers to mere money-making, and who would be, so fast does the world move, by this time forgotten but for the glowing eulogy of him to be found in the autobiography of John Stuart Mill. And with these men the system under which they flourished has gone to rest too. Parties are examined, husband and wife are heard, special pleading finds no refuge upon the habitable globe, except, as I believe, in the State of New Jersey, in America. Law and equity are concurrently administered; marriage, wills, admiralty cases are dealt with by the profane hands of judges with not a flavour of ecclesiasticism about them. Of the administrators of the new system, those who made it, and those who now preside over or contend under it, the living and the lately dead, it is not for me to speak. Roundell Palmer, Mellish, Cairns, Blackburn, Charles Russell, Horace Davey, Henry James, John Karslake, who led

"A life too short for friendship, not for fame"—

these and many more, whom I cannot even presume to catalogue, must wait for a better, a fitter, a younger man to commemorate as they deserve their many great and various merits. I do not think, however, that as English law has grown more just and reasonable English lawyers have grown less learned or more dull.

* Baron Martin thus spoke of Baron Parke in his judgment in *Lord Derby* v. *Bury Improvement Commissioners* (8 L. R. Exch. 138):—"He was without doubt the ablest and best public servant I was personally acquainted with in the whole course of my life."

LAW STUDENTS' JOURNAL.

RECENT STUDENTS' BOOKS.

THE PRINCIPLES OF EQUITY. By EDMUND H. T. SNELL. NINTH EDITION. By ARCHIBALD BROWN, M.A., B.C.L., Barrister-at-Law. Stevens & Haynes.

Snell's Equity still remains the favourite text-book with law students reading for examinations, and will probably continue to do so, notwithstanding many formidable rivals. The present edition apparently incorporates all important statutes and cases up to date. Perhaps *Derry* v. *Peek* was reported a little too late, as we fail to find any reference thereto. One or two old-standing blunders remain uncorrected; thus *Reynolds* v. *Godles* is still quoted, though it was expressly overruled by *Curteis* v. *Wormald*. We are glad to find increased information on the management of lunatics' property, copyright in the title of a book, &c. It would have been advisable to have set out the Preferential Payments in Bankruptcy Act, 1888, *in extenso*, and to have referred to section 40 of the 1883 Act in a note, while just the converse is done. Notwithstanding a few defects, we consider the present edition will fully maintain the reputation that preceding editions of the work have acquired.

A MANUAL OF THE PRINCIPLES OF EQUITY. By JOHN INDERMAUR, Solicitor. SECOND EDITION. George Barber.

This is a much shorter work than that above mentioned, intended principally for the use of students; it is true that it consists of some 420 pages, but as the margins are wide, evidently with a view for the insertion of notes, it can be read in less than half the time. It will be found a trustworthy companion volume, useful for revision purposes or for a general preliminary view. We cannot recommend students for the Final to rely solely on this work for their equity, as we notice that several questions in the April equity paper could not possibly have been answered from a perfect knowledge of its contents. Statutes and case law on the subjects dealt with are thoroughly brought down to date, but certain matters we should expect to find in a student's work on this subject are not touched upon at all, such as injunctions against infringing "trade names," "powers in the nature of trusts," cases in which an action for an account can be maintained; while on other subjects, such as "resulting trusts," "suretyship," &c., the information is meagre. We think the author is wise in not touching on company law in a short work on the principles of equity.

THE ELEMENTS OF MERCANTILE LAW. By T. M. STEVENS, M.A., B.C.L., Barrister-at-Law. Butterworths.

A useful little work for a student who ultimately intends practising in the City. Of course there is some difficulty in deciding what is fair subject-matter for what is shortly termed mercantile law, but if such a work is framed we should have expected to find something on company law and less on bills of sale. Under insurance we should have expected something on liens acquired on policies by the payment of premiums; and *Re Leslie*, and the work might have been further improved by referring to the measure of damages under certain of the special contracts particularly dealing with such matters as non-delivery by vendor when purchaser has subsold, non-delivery under charter-parties, &c. There is a short, useful chapter on stamps, and the chapter on sale of personal property is admirably done.

COUNCIL OF LEGAL EDUCATION

At the Trinity examination held at Lincoln's-inn Hall in May, the Council of Legal Education awarded to Charles Maturin, Gray's-inn, a studentship in Jurisprudence and Roman Law of 100 guineas, to continue for a period of two years; to Morgan Owen Evans, Lincoln's-inn, and Ong Siang Song, Middle Temple, studentships in Jurisprudence and Roman Law of 100 guineas for one year; and to William Henry Cromie, Gray's-inn, the Barstow Law Scholarship.

The Council also awarded to the following students certificates that they had satisfactorily passed a public examination:—E. F. Abbott, Middle Temple; G. G. Alexander, Inner Temple; J. E. Ansell, Middle Temple; J. R. Atkin, Gray's-inn; T. L. Atkinson, Inner Temple; J. S. F. Bacon, Inner Temple; A. C. Banerjee, Middle Temple; Reginald Bence-Jones, Inner-Temple; A. P. Buller, Inner Temple; B. W. Campion, Inner Temple; C. R. Clark, Middle Temple; A. C. Clauson, Lincoln's-inn; W. H. Cromie, Gray's-inn; C. E. E. Damian, Gray's-inn; Raghu Nath Das Garge, Middle Temple; Jogendra Nath Das Gupta, Middle Temple; F. M. De Saram, Inner Temple; M. W. Dixon, Inner Temple; C. E. Dyer, Middle Temple; N. T. Foster, Inner Temple; P. M. Francke, Inner Temple; H. C. Golan, Middle Temple; Maxwell Hall, Inner Temple; Alfred Hardie, Inner Temple; F. G. Hughes, Inner Temple; Stamford Hutton, Inner Temple; Kizhakeapat Palat Krishna-Menon, Inner Temple; R. A. Law, Middle Temple; J. C.

Ledlie, Middle Temple; T. F. Lloyd, Middle Temple; H. L. Lopes, Inner Temple; James Ritchie Macoun, Middle Temple; Malawa Ram Mehta, Middle Temple; Louis Mieville, Inner Temple; Pundit Uma Sankar Misra, Inner Temple; C. M. Nelson, Lincoln's Inn; G. R. Northcote, Inner Temple; J. R. Orford, Inner Temple; P. R. Papillon, Inner Temple; M. H. M. T. Pigott, Middle Temple; G. M. Prior, Inner Temple; G. K. T. Purcell, Lincoln's-inn; C. A. Rhodes, Inner Temple; R. E. L. Richards, Inner Temple; R. C. Richards, Gray's-inn; D. T. Roberts, Middle Temple; C. T. Y. Robson, Inner Temple; H. S. Romer, Lincoln's-inn; Arthur Rutherford, Middle Temple; G. W. Scott, Inner Temple; G. J. T. Seckham, Lincoln's-inn; W. F. Sherwood, Middle Temple; W. F. Sheppard, Inner Temple; H. G. Snowden, Middle Temple; Daniel Stephens, Inner Temple; W. S. Stretton, Inner Temple; E. M. Sturges, Inner Temple; W. R. Vale, Gray's-inn; G. F. Warner, Lincoln's-inn; A. W. Watson, Inner Temple; W. S. Webber, Middle Temple; H. W. Wickham, Middle Temple; C. G. Wilbraham, Middle Temple; D. F. Wilbraham, Lincoln's-inn; J. A. Wild, Gray's-inn; S. G. Woods, Gray's-inn; and Hugh Wright, Middle Temple.—Out of 94 examined, 67 passed.

The following students passed a satisfactory examination in Roman Law:—Rowland Allen, Inner Temple; Kofi Asaam, Inner Temple; A. D. Bateson, Inner Temple; Daniel Chamier, Inner Temple; Lala Parkash Chand, Lincoln's-inn; R. F. Cook, Middle Middle; John Correia, Inner Temple; Greenidge Elliott, Middle Temple; W. A. Forbes, Inner Temple; S. H. Freemantle, Inner Temple; G. L. Gibson, Middle Temple; A. R. Gloag, Inner Temple; W. H. Grenfell, Inner Temple; H. P. Hamer, Middle Temple; Reginald Harrison, Inner Temple; T. E. Haydon, Inner Temple; G. R. Howat, Middle Temple; E. U. Jackman, Middle Temple; J. G. Johnston, Inner Temple; E. M. Konstam, Inner Temple; Mancherji Kharsedji Lalkaka, Middle Temple; M. T. La Thangue, Middle Temple; J. A. Longley, Lincoln's-inn; J. F. M'Arthur, Middle Temple; J. K. Mackay, Middle Temple; A. L. Maddison Inner Temple; R. C. Maxwell, Middle Temple; C. A. D. Melbourne, Inner Temple; W. H. C. Minns, Lincoln's-inn; Rafiuddin Ahmed Moulvi, Middle Temple; M. J. B. Murphy, Inner Temple; T. H. Parr, Inner Temple; A. L. Penrhyn, Inner Temple; W. W. Phillips, Inner Temple; J. E. Pinto, Middle Temple; F. C. Richardson, Inner Temple; Rowland Rowlands, Inner Temple; John Ryan, Inner Temple; J. L. C. St. Clair, Lincoln's-inn; H. S. Scott, Lincoln's-inn; L. A. Selby-Bigge, Inner Temple; P. M. C. Sherriff, Middle Temple; F. C. Smith, Inner Temple; Lindsey Smith, Middle Temple; E. F. Tanner, Middle Temple; H. T. Van Laun, Inner Temple; G. M. Weekley, Middle Temple; A. M. White, Middle Temple; G. L. J. Wilson, Inner Temple; K. F. Wood, Lincoln's-inn; R. H. V. Wragge, Lincoln's-inn; and G. E. Yarrow, Gray's-inn.—Out of 54 examined, 52 passed.

PENDING LEGISLATION.

A BILL INTITULED AN ACT FOR THE APPOINTMENT OF A PUBLIC TRUSTEE.

[The following is the Bill as it passed the House of Lords.]

NOTE.—The words enclosed in brackets and in italics are proposed to be inserted in Committee.

Be it enacted, &c.:

1. *Office of public trustee.*] (1.) There shall be established the office of public trustee.

(2.) The public trustee shall be a corporation sole under that name, with perpetual succession and an official seal, and may sue and be sued under the above name like any other corporation sole.

(3.) Subject to the provisions of this Act, and to the rules made thereunder, the public trustee may act either alone or jointly with any person or body of persons in any capacity to which he may be appointed in pursuance of this Act, and shall have all the same powers, duties, and liabilities, and be entitled to the same rights and immunities and be subject to the control and orders of the High Court, as a private trustee acting in the same capacity, provided that where the trust property held by the public trustee is of such a nature as to involve, irrespectively of the terms of the trust, the payment of any rent, call or debt, or the discharge of any other liability, the public trustee shall not be liable therefor except so far as the trust property is available to meet the same.

2. *Appointment of public trustee to be trustee, executor, &c.*—(1.) The public trustee may by that name be appointed to be trustee of any will, or marriage or other family settlement, or to perform any trust or duty belonging to a class which he is authorised by a general order under this section to accept, and may be so appointed, whether the will or settlement, or instrument creating the trust or duty, was made or came into operation before or after the passing of this Act, and either as an original or as a new trustee, in the same cases, and in the same manner, and by the same persons or court, as if he were a private trustee, with this addition, that though the trustees originally appointed were two or more, the public trustee may be appointed sole trustee.

(2.) A general order for the purpose of this section may be made by the Lord Chancellor with the concurrence of the Treasury, but the draft of any order proposed so to be made shall be laid on the table of each House of Parliament not less than thirty days on which such House has sat before the order is made, and if the draft is disapproved of by a resolution of either House, the order shall not be made.

3. *Power as to granting probate.*] If in pursuance of any general order under this Act, the public trustee is authorised to accept by that name probates of wills or letters of administration, the court having jurisdiction to grant probate of a will or letters of administration may grant such probate or letters to the public trustee by that name, and for that purpose the court shall consider the public trustee as in law entitled equally with any other person or class of persons to obtain the grant of letters of administration, save that the consent or citation of the public trustee shall not be required for the grant of letters of administration to any other person.

4. *Administration of small assets.*] Where proceedings have been instituted in the High Court for the administration of the estate of any deceased person, and by reason of the small value of such estate it appears to the court that the estate could be more economically administered by the public trustee than by the court, the court may order that such estate shall be administered by the public trustee; and thereupon, subject to any directions of the court, the public trustee shall administer that estate in manner provided by rules under this Act.

5. *Liability of Consolidated Fund.*] (1.) *The Consolidated Fund of the United Kingdom shall be liable to make good any liability arising out of any fraud or negligence on the part of the public trustee, or his officers, and also any liability arising out of any such other act or default of the public trustee, or his officers, as may be specified in rules under this Act, and all sums payable in pursuance of this section out of the Consolidated Fund, shall be charged on and issued out of that fund or the growing produce thereof.*]

(2.) The draft of any such rule shall be laid before the House of Commons for not less than thirty days on which that House has sat, and if the draft be disapproved of by a resolution of that House, the rule shall not be made.

6. *Appointment of public trustee and officers, and expenses of office.*—(1.) The Lord Chancellor, with the concurrence of the Treasury, shall appoint a fit person to the office of public trustee during pleasure.

(2.) The holder of the office of public trustee shall receive such salary as the Treasury from time to time assign.

(3.) He may employ such officers and persons as, subject to the sanction of the Treasury, he may find necessary for the purposes of this Act, and those officers and persons shall be remunerated at such rates and in such manner as the Treasury may sanction.

He shall, if so directed by the Treasury, with the concurrence of the Lord Chancellor, maintain branch offices for the purpose of the transaction of business elsewhere than in London.

[(4.) *The said salary and remuneration, and such expenses of executing the office of public trustee and otherwise carrying this Act into effect as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.*

7. *Fees charged by public trustee.*] (1.) There shall be charged in respect of the duties of the public trustee such fees, whether by way of percentage or otherwise, as the Treasury with the sanction of the Lord Chancellor fix, and such fees shall be collected and accounted for by such persons and in such manner and shall be paid to such account as the Treasury direct.

(2.) Any expenses which might be retained or paid out of the trust property if the public trustee were a private trustee shall be so retained or paid, and the fees shall be retained or paid in the like manner as and in addition to such expenses.

[(3). *Such fees shall, under the regulations of the Treasury, be applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, and so far as not so applied shall be paid into the Exchequer.*]

8. *Holding and transfer of property.*] (1.) The public trustee may hold property jointly with any persons or corporation aggregate or sole.

(2.) The public trustee may, without license in mortmain, hold any land forming part of the trust property which a private trustee acting in the same capacity could hold.

(3.) The public trustee may under that name be entered in the books of any company or person as holder, either alone or jointly with any persons, of stock, shares, or securities entered in such books.

(4.) The order of the public trustee given under his seal, shall be a necessary and sufficient authority to any such company or person for the transfer of any such stock, shares, or securities so far as respects the interest of the public trustee.

(5.) Upon the sale of any real property in which the public trustee is interested, the receipt of the purchase money shall not be valid unless acknowledged by the public trustee under his seal.

9. *Appeal to the High Court.*]—(1.) A person aggrieved by any act or omission of the public trustee in relation to any trust, may apply to the High Court, and the court may make such order in the matter as the court thinks just.

(2.) Subject to rules of court, an application under this section shall be made to a judge of the Chancery Division of the High Court in chambers.

10. *Refusal of trust by public trustee.*]—The public trustee may decline, either absolutely or except on prescribed conditions, to accept any trust.

The public trustee may, with the sanction of the court, retire from a trust.

11. *Restriction of powers of public trustee.*]—If a testator or a settlor or other creator of any trust directs that any specified power or discretion shall be vested solely in the co-trustee, or shall not be vested in the public trustee, the public trustee shall not exercise such power or discretion, but shall, if need be, concur in all acts necessary to carry out the exercise of such power or discretion by the co-trustee, unless it appears to him that the matter in which he is requested to concur is a breach of trust, and the public trustee, whether he does or does not so concur, shall not be responsible [*nor shall the Consolidated Fund be liable*] for any such concurrence or non-concurrence on his part.

12. *Employment of solicitors and banks.*] (1.) Where a testator, settlor, or other creator of any trust directs or authorises the employment of any particular solicitor or bank, or where either the co-trustee of the public trustee or the persons appearing to the public trustee to be for the time being entitled to the income of the trust, or if they are infants, their guardians, require the employment of any particular solicitor or bank, that solicitor or bank shall be employed as the solicitor or bank to the trust, unless removed for good cause by the High Court upon the application of the public trustee or of any person appearing to the court to be interested in the trust.

(2.) Where it appears to the public trustee that any solicitor or bank has been ordinarily employed in matters connected with any trust or with the family matters of persons concerned in the trust, he may, on the application

or with the assent of any of such persons as appear to him to be principally interested in the income of the trust for the time being, employ such solicitor or bank as the solicitor or bank to the trust.

[(3.) *Where a solicitor or bank is employed in pursuance of this section the Consolidated Fund shall not be liable to meet any liability arising from any default of such solicitor or bank, and the public trustee shall not be deemed to have notice of any matter merely by reason of such solicitor or bank having had notice thereof.*]

13. *Rules.*] (1.) The Lord Chancellor, with the approval of the Treasury, may make rules for regulating the office of the public trustee and carrying into effect this Act, and any order made thereunder, and in particular in relation to all or any of the following matters, that is to say—

(*a*) (subject to the provisions of this Act) the transfer to and from the public trustee of any property;

(*b*) the accounts to be kept, and the audit thereof; and

(*c*) the regulation by the public trustee of any branch office.

(2.) Rules made under this section shall be laid before both Houses of Parliament forthwith after they are made, if Parliament be then in session, and if not, then forthwith after the beginning of the then next session of Parliament. If either House of Parliament resolves that any such rule shall be annulled, the same shall be annulled from the date of such resolution, without prejudice however to anything previously done in pursuance thereof.

(3.) If the rules require a declaration to be made for any purpose, a person who makes such declaration knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

14. *Application of Act to Duchy of Lancaster.*] Whenever the public trustee in pursuance of this Act establishes a branch office in the county of Lancaster, the Chancery Court of the county palatine of Lancaster shall, as respects all matters transacted through that office, have concurrent jurisdiction with the High Court under this Act, and the rules of court relating to the exercise of the jurisdiction of that court under this Act shall be made by the authority having power to make general rules and orders of that court.

15. *Mode of action of public trustee and Treasury.*] (1.) On behalf of the public trustee such person as may be prescribed may take any oath, make any declaration, verify any account, give personal attendance at any court or place, and do any act or thing whatsoever which the public trustee is required or authorised to take, make, verify, give, or do.

(2.) Where any bond or security is required from a private person upon the grant to him of administration, or upon his appointment to act in any capacity to which the public trustee is appointed, the public trustee shall not be required to give such bond or security, but shall be subject to the same liabilities and duties as if he had given such bond or security.

16. *Definitions.*] In this Act, unless the context otherwise requires—

The expression "probate" includes the confirmation of an executor in Scotland:

The expression "administration" means letters of administration of the personal estate and effects of a deceased person, whether general, or with a will annexed, or limited either in time or otherwise, and includes confirmation in Scotland;

The expression "trust" includes an executorship or administratorship, and any other capacity in which the public trustee acts in pursuance of this Act; and the expression "trustee" shall be construed accordingly; and the expression "trust property" shall include all property in the possession or under the control wholly or partly of the public trustee by virtue of any trust:

The expression "private trustee" means a trustee other than the public trustee:

The expression "expenses" includes costs and charges:

The expression "prescribed" means prescribed for the time being by rules under this Act.

17. *Short title.*] This Act may be cited as the Public Trustee Act, 1890.

LEGAL NEWS.

OBITUARY.

EDWARD NUGENT LEESON, sixth EARL OF MILLTOWN, K.P., who died suddenly at his residence, Russborough, Wicklow, on the 31st ult., was the second son of the fourth Earl of Milltown. He was educated at Trinity College, Dublin. He was called to the bar at the Inner Temple in Michaelmas Term, 1862, and he was for several years a member of the Home Circuit. In 1871 he succeeded to the Irish peerage on the death of his elder brother, and he was created a Knight of the Order of St. Patrick in 1887. He had been a representative peer since 1881, and he steadily supported the Conservative party. Lord Milltown was Lord Lieutenant of the county of Wicklow, and a magistrate for the counties of London, Middlesex, Wicklow, and Kildare. He was married in 1871 to the second daughter of the fifth Earl of Harrington. He leaves no issue, and the title and estates pass to his younger brother.

APPOINTMENTS.

MR. RICHARD PERLS MOSSOP, solicitor, of Holbeach, has been appointed Superintendent-Registrar of Births, Deaths, and Marriages for the Holbeach district. Mr. Mossop is clerk to the Holbeach Board of Guardians and to the Fleet School Board. He was admitted a solicitor in 1868.

MR. JOHN AUGUSTIN DAVIS, solicitor (of the firm of Bradford, Davis, & Butterworth), of Swindon, has been appointed Clerk to the Highworth and Swindon Board of Guardians, Assessment Committee, School Attendance Committee, and Rural Sanitary Authority, on the resignation of his partner, Mr. James Edward Goddard Bradford. Mr. Davis was admitted a solicitor in 1882.

MR. JOSEPH MUNN MACE, solicitor, of Tenterden and Ashford, has been appointed Clerk to the Tenterden Board of Guardians, Assessment Committee, School Attendance Committee, and Rural Sanitary Authority, on the resignation of his father, Mr. William Glover Mace, who is town clerk of Tenterden, and clerk to the borough magistrates. Mr. J. M. Mace is deputy town clerk of Tenterden. He was admitted a solicitor in 1883.

MR. CHARLES FREDERICK FARRAN, barrister, who has been appointed to act as a Judge of the High Court at Bombay during the absence (in Egypt) of Mr. Justice Scott, is the son of Mr. George Farran, of Dublin. He was called to the bar at the Middle Temple in Michaelmas Term, 1861, when he obtained an open studentship.

The Hon. HENRY LEESON, barrister, who has succeeded to the Peerage on the death of his brother, the sixth Earl of Milltown, is the third son of the fourth Earl of Milltown. He was educated at Trinity College, Dublin, and he was called to the bar in Ireland in 1860.

MR. HENRY WEST FOVARGUE, solicitor, of Bootle, has been elected Town Clerk of the borough of Eastbourne, on the resignation of Mr. John Henry Campion Coles. Mr. Fovargue was admitted a solicitor in 1889.

MR. JOSEPH GRIFFITH, solicitor, of Newcastle-under-Lyme, has been appointed Clerk to the Governors of the Newcastle-under-Lyme Endowed Schools, in succession to the late Mr. Thomas Harding. Mr. Griffith was admitted a solicitor in 1875.

GENERAL.

The Rules Publication Bill was read a second time in the House of Commons on Monday.

On Tuesday Mr. Justice Kay resumed his judicial duties after his long absence through illness. His Lordship having taken his seat, the Attorney-General rose, in a crowded court, and said—My Lord, allow me to express, not only on behalf of the members of the Bar practising in your Lordship's court, but on behalf of the whole profession, our congratulations on your Lordship's complete recovery to health, and the hope that your Lordship will be long spared to discharge those judicial duties which you have already for many years exercised with such conspicuous ability and eminent satisfaction to the country and to the public. Mr. Justice Kay said, "I thank you, Mr. Attorney-General, and the Bar, for your kind expressions. I trust my health is sufficiently restored to enable me to do my duty in this court."

The Calcutta correspondent of the *Times* says that "for some time past it has been a matter of frequent complaint that the Indian High Courts were unable to cope with the work owing to the insufficient number of judges. Attempts have been made from time to time to meet the complaint by appointing temporary additional judges who were again removed as soon as the arrears had been cleared off. This method is obviously unsatisfactory, and it is believed that the Government now contemplates relieving the High Courts by giving largely increased jurisdiction to the Small Cause Courts, and empowering them to try cases involving title to land, as well as bankruptcy matters, &c. It is understood that the idea is to make the change only in Madras in the first instance, and subsequently to extend it to the other presidencies if the experiment is successful."

It is stated that in the will of the late Mr. Biggar, M.P., the testator directs the residue of his property to be held in trust to pay £100 a year to his son Joseph, until he shall be admitted as a solicitor, and in the meanwhile to pay the remainder of the income to Mrs. Grace, or, on her death, to her children; and, in the event of the death of his said son before he shall have been admitted as a solicitor, to hold the residue in trust for them; and further directs the income of Butlerstown Castle and land to be paid to Mrs. Grace until his son is admitted a solicitor, when it is to be transferred to him. If he should fail to be admitted, Butlerstown Castle and the adjoining land, about 160 acres, are, on his death, to be in trust for the Roman Catholic priests of the diocese of Waterford officiating at Butlerstown, who shall reside at the Castle.

The following are the arrangements made by the judges of the Queen's Bench Division for holding their courts during the ensuing Trinity Sittings—viz., three courts will sit *in Banc*, the first of which will consist of Mr. Justice Denman and Mr. Justice Charles; the second will be formed of Lord Chief Justice Coleridge and Mr. Justice Wills; and the third of Justices Cave and A. L. Smith. A fourth court may be formed by Mr. Baron Pollock and Mr. Justice Stephen, but it is anticipated that neither of these learned judges will be back in time for the early part of the sittings. Six courts will sit for the trial of special and common jury cases, and actions set down to be tried without juries, the judges for this purpose being Mr. Baron Huddleston, and Justices Hawkins, Mathew, Day, Grantham, and Williams. Mr. Justice Lawrance will be the judge in attendance at chambers.

Dr. Churton, Coroner of Chester, has received the following communication from the Home Secretary in reply to his letter of last week, applying for authority to have the man Spicer, charged with murdering his two children, brought before him at his (the Coroner's) investigation:—"Whitehall, 2nd June.—With reference to your letter of the 27th ult., as to the attendance of a prisoner named Spicer at an inquest held by you, I am directed by the Secretary of State to inform you that he has no power to order the production of a prisoner except upon application by affidavit that his evidence is necessary for the purposes of justice. He is unable, therefore, to comply with the application of your letter.—Signed, GODFREY LUSHINGTON." Dr. Churton states that during his experience of

fifty years as coroner he has invariably had the prisoners brought before him in such cases, and his action had never been challenged till the Crewe murder case. The matter will be brought before the Coroners' Association and also before Parliament.

The following are the terms of a petition to the House of Commons, drawn up on behalf of 143 wholesale grocers and merchants in the tea, coffee, provision, spice and colour trades in the City of London, pursuant to a resolution passed at the Mincing-lane Commercial Sale Rooms, London, on 28th April last, Sir Henry Peek being in the chair:—"That your petitioners have carefully considered Sir Albert Rollit's Bill to amend the Law of Bankruptcy, and are strongly of opinion that, if passed as it stands, the Bill would almost completely prevent creditors having the control over the assets of estates to which they are justly entitled, and it would hand over to officials of the court the realization thereof. Experience has conclusively shewn that such a course is neither economical nor calculated to benefit either the public, debtors, or creditors, and your petitioners feel very strongly that the property of an insolvent debtor should belong to his creditors, who are the proper and only persons who should decide how that property is to be dealt with. The Bill, if passed, would practically repeal the Deeds of Arrangement Act of 1887, which, provides for the registration of deeds of arrangement, and has been received with considerable favour. Under these circumstances your petitioners ask your honourable House to consider whether such a retrograde step should be for a moment tolerated, and they respectfully venture to suggest that if the Bill be not withdrawn at least the important clauses should be amended to counteract the evident tendency to officialism."

The Lord Chancellor has introduced a Bill for improving the administration of justice in the Court of Chancery of the County Palatine of Lancaster. He proposes that the court shall, as regards all persons, bodies corporate, and property within its jurisdiction, exercise the same powers and jurisdiction, and in a similar manner and subject to the same restrictions in all respects as the High Court in its Chancery Division has, or at any future time may have, in respect of such persons and things within its jurisdiction. Moreover, the Court of Appeal is to have the same appellate and original jurisdiction as to all judgments and orders of the Lancaster Chancery Court as it has with respect to judgments and orders of the High Court or of any judge thereof; and the Appeal Court's judgments and orders in these matters are to be subject to appeal to the House of Lords in the same way as in other matters. The Bill contains a power of transfer to the High Court; any cause or matter which but for the Bill the Lancaster Chancery Court would have been competent to try or deal with, and which, if it had been commenced in the High Court, could not under the Judicature Acts have been assigned to the Chancery Division of the High Court, may at any stage be transferred from the Lancaster Chancery Court to the High Court by an order either of the Appeal Court or of that Chancery Court. Subsequently the cause will be proceeded with according to the practice of the High Court as if it had been commenced there. In future also any rules or orders that are made for regulating the procedure or practice of the Lancaster Chancery Court or its fees are to be subject to the approval of the authority empowered to make rules for the Supreme Court, it being made no longer necessary to obtain the advice and consent of one of the Lords Justices of Appeal.

At the Accrington Police-court, on Wednesday Messrs. David Towler & Sons, describing themselves as "accountants, attorneys," &c., were summoned by the Incorporated Law Society of England for using the word "attorney" without being qualified, and in contravention of the Solicitors Act, 1874. Mr. Withers appeared for the society, and Mr. Towler, senior, defended himself. The former, in opening his case, said that search had been made in the *Law List* but the name of "Towler" could not be found. He was not instructed to press the case, but the public should not be deceived by anybody using the word "attorney" who was not entitled to it. He pointed out that Mr. Towler had gone so far as to use the word on a board outside his office and also on his bill-heads. Mr. Towler, senior, admitted the use of the word, but submitted that the summons must fail, as it had not been proved he used the word "attorney" "wilfully and falsely." He had never in any way sought to imply that he was a solicitor nor in any way sought to perform the duties of a solicitor, but in all cases where a solicitor had been required he engaged one. As to the word "attorney," he came to Accrington with a city conception of the term—broad, wide, and general—a construction placed upon it by dictionaries and encyclopædias of general information. In one of the latest encyclopædias published, the word was defined as meaning generally "one appointed by another to act for him." In that sense only did he use the word. That prosecution, he added, was not the first manifestation of country pique he had had to meet and bear since he came to reside in Accrington. The magistrates were of opinion the word was used with the intention of misleading people, Ald. Entwistle, the chairman, saying that the majority of the public seeing the word would think he was a solicitor or lawyer of some kind. As the case was not pressed the defendant would be fined 20s. and costs. Mr. Towler gave notice of appeal, in case he should be advised to pursue that course.

Equity Law Life Assurance Society.—The quinquennial meeting of this society was held on Tuesday, the 27th ult., to receive the report of the directors for the five years ending the 31st of December last. The valuation has this time been based upon the combined tables of the Institute of Actuaries, with interest at 2½ per cent. for the ordinary whole life policies and 3 per cent. for the remainder. The result of this is to put a higher value upon the policies and the valuation upon a more stringent basis. Notwithstanding this the report shews the amount available for division to be £341,561, which is rather more than the amount divided at the last bonus meeting. This bonus gives an average return to the policy-holders of £2 12s. per cent. per annum on the sums assured, or £2 4s. per cent. on sum assured and previous bonuses.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Appeal Court No. 2.	Mr. Justice Kay.	Mr. Justice Chitty.
Monday, June 9	Mr. Clowes	Mr. Beal	Mr. Carrington
Tuesday ... 10	Jackson	Pugh	Lavie
Wednesday ... 11	Clowes	Beal	Carrington
Thursday ... 12	Jackson	Pugh	Lavie
Friday ... 13	Clowes	Beal	Carrington
Saturday ... 14	Jackson	Pugh	Lavie
	Mr. Justice North.	Mr. Justice Stirling.	Mr. Justice Kekewich.
Monday, June ... 9	Mr. Farmer	Mr. Pemberton	Mr. Leach
Tuesday ... 10	Rolt	Ward	Godfrey
Wednesday ... 11	Farmer	Pemberton	Leach
Thursday ... 12	Rolt	Ward	Godfrey
Friday ... 13	Farmer	Pemberton	Leach
Saturday ... 14	Rolt	Ward	Godfrey

COURT OF APPEAL.

TRINITY SITTINGS, 1890.

APPEALS FOR HEARING.

(Set down to Tuesday, May 27th, inclusive.)

(*Continued from p.* 510.)

FROM THE CHANCERY DIVISION, THE PROBATE, DIVORCE AND ADMIRALTY DIVISION (PROBATE AND DIVORCE), AND THE COUNTY PALATINE AND STANNARIES COURTS.

For hearing.

(General List.)

1890.

Rendall v Blair app of plt from judgt of Mr Justice Kay, dated 11 Feb, 1890 April 2

In re Massingberd's settlement In re Clark's settlement Holloway v Trelawny Clark v Trelawny app of defts Clarence Trelawny & anor from judgt of Mr Justice Kay, dated 7 Feb, 1889 April 9

Eddowes v The Argentine Loan and Mercantile Agency Co, ld app of daft from judgt of Mr Justice Kekewich, dated 27 March, 1890 April 11

Cooke v Smith app of plts from order of Mr Justice Kekewich, for Mr Justice Kay, dated 25 March, on question of law April 15

The Abergavenny Improvement Commissioners v Straker app of plts from judgt of Mr Justice Kekewich, dated 15 April, 1890 April 21

Tilbury v Silva app of plt from judg of Mr Justice Kay, dated 30 Jan, 1890 April 23

In re The Metropolitan Coal Consumers' Association, ld, and Co's Acts (case of H L O Grisb) app of the Assn from order of Mr Justice Kay, dated 16 Jan, removing name from register April 24 (Security ordered May 22)

In re The Met Coal Consumers' Assocn ld and Co's Acts (case of Wm Wainwright) appl of the Assocn from order of Mr Justice Kay, dated 16 Dec removing name from Register April 24

Vorwerk & Son v Evans & Co app of plt from judgt of Mr Justice Kekewich, dated 20 March, 1890 April 24

Whittaker v Kershaw In re W Kershaw, dec In re Kershaw's Will Trusts Whittaker v Kershaw app of dft Harriet Kershaw from judgt of Mr Justice North, dated 4 March, 1890 April 25 (security ordered May 5)

Probate H Moase v C Gough and anr app of dft C. Gough from judgt of Mr. Justice Butt, dated 17 April, and app for leave to examine witns on hearing of appeal April 25

In re The Public Works and Contract Co ld and Co's Acts (petn. of Edmund Dean) appl of the Co and ors from winding up order, dated 1 April, made by Mr Justice Stirling April 30

In re J. R. Thompson, dec Bedford v Teal appl of Defts C. R Massey & anr from order of Mr Justice Stirling, dated 23 Nov on originating sums April 30

Myers v Myers appl of Defts Elizabeth Myers & ors from judgt of Mr Justice Chitty, dated 12 Nov, 1889 April 30

Smithson v Hamilton appl of Defts the Sunderland Eclipse Permanent Building Soc from judgt of Vice-Chancellor of County Palatine Court of Durham, dated 7 March, 1890 May 3

Figgis v Bruce appl of Plff from judgt of Mr Justice Kekewich, dated 2 Dec, 1889. May 5

In re Contract dated 17 Dec, 1889, for sale of Real Estate between W. H. Head's Trustees and Joseph Macdonald and V. & P. Act, 1874 appl of Head's Trustees from order of Mr Justice Chitty, dated 18 April, 1890 May 6

In re Thos. Geldard, dec Morrish v Ellison appl of Plff from order of Mr Justice Stirling, dated 3 August, declaring grandchildren absolutely entitled May 7

Warwick v Gonville and Caius College, Cambridge appl of Defts G. Webster & ors from judgt of Mr Justice Kekewich, dated 10 May, 1889 May 8

In re Jno Catling, dec (construction) and Burial Board for Hemel Hempstead and Boxmoor Burial Acts, 1852 to 1874 and L.C.C. Act, 1945 Appeal of F. J. Leach from order of Mr Justice Stirling, dated 29 March, 1890 May 10

In re E B Keeling dec Merton v Keeling Sarl v Keeling appl of Plff Wm Sarl from order of Mr Justice Chitty, dated 24 April, 1890 April 28 (postponed to 2nd Appeal, No 33, by order)

Sarl v Keeling Keeling v Sarl appl of Wm Sarl from refusal of Mr Justice Chitty, dated 9 May, of application for setting aside judgt after award of Official Referee May 12

Scott v Snepp appl of Plff from judgt of Mr Justice Kekewich, dated 30 Jan 1890, dismissing action against Milward & Co. May 12

In re Porter's Settlement Trusts Porter v De Quetteville appl of Pltf from order of Mr Justice North, on originating smns dated 24 April May 24
Henderson v The Bk of Australia appl of Pltffs from judgt of Mr Justice Chitty, dated 1 May, 1890 May 14
The London & North Western Railway Co v Boulton appl of Pltff Co from judgt of Mr Justice Kekewich, dated 5 March, 1890 May 19
In re the Bristol Joint Stock Bank, ld & Co's Acts petn of Reuben Hunt appl of the Bank from order of Mr Justice Kekewich for Mr Justice Kay, dated 26 April, for winding up Co May 22
In re the Leominster & Bromyard Ry Co The G W Ry Act, 1888 & Co's Acts appl of Lord Bateman from order of Mr Justice Chitty, dated 4 Feb, refusing to exclude name from list of contributories May 23

FROM THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND ADMIRALTY (ADMIRALTY) DIVISIONS.

For Hearing.

1890.

Metcalfe & anr v Lord Wharncliffe & anr app of Lord Wharncliffe from judgt of Mr Justice Grantham, dated 13 March, at trial at York April 3
Caton & anr v Hancock app of deft from jdgt of Mr Justice Cave, dated 13 Dec 1889, at trial in Middlesex April 10
Woollerton v Smallwood app of plt from jdgt of Baron Huddleston, dated 28 March, at trial at Birmingham April 11
In re the Surrey Commercial Dock Co's Assessment & the Valuation of Property (Metropolis) Act, 1869 ex pte Overseers of St Mary, Rotherhithe app of the Dock Company from jdgt of the Lord Chief Justice & the Master of the Rolls dated 21 March, upon the special case on application for injunction April 18
Firth v Wright and anr app of plt from judgt of Mr Justice Grantham, dated 1 April, at trial at Leeds April 18 (appellant dead)
A Gibbs & Sons v La Societe Industrielle et Commerciale des Metaux app of dfts from judgt of Mr Justice Stephen, dated 1 April, at trial with special jury in Middlesex April 22
Lord v Hendry app of dfts from judgt of Mr Justice Mathew, dated 24 Jan, at trial in Middlesex April 26
The Northfleet Coal and Ballast Co, ld, v Butchard app of plts from judgt of Baron Huddleston and Mr Justice Grantham, dated 15 April, 1890 April 30
Leadbeater v Kitchin app of dfts from judgt of Mr Justice Day, dated 1 April, at trial at Leeds May 2
Shaw v Guardians of Solihull Union, acting as Rural Sanitary Authority app of plt from judgt of Baron Huddleston, dated 22 April, at trial in Middlesex May 5
Taylor v Prior app of dft from judgt of Mr Justice Denman, dated 19 April, at trial in Middlesex May 7
Filburn v The People's Palace and Aquarium Co, ld app of dfts from judgt of Mr Justice Day, dated 17 March, at trial in Leeds May 7
Moyes v Richie app of plt from judgt of Mr Justice Charles, dated 10 May, at trial in Middlesex May 9
Bishop v The Balkis Consolidated Co ld. appl of pltffs from judgt of Mr Justice Vaughan Williams, dated 23 April, after trial at Birmingham May 10
Wilkes v Greenway appl of pltff from judgt of Mr Justice Vaughan Williams, dated 24 April, after trial at Birmingham May 14
Soundy v Woodwards appl of pltff from judgt of Mr Justice Hawkins, dated 29 March, at trial at Reading May 14
Pink & ors v Fleming appl of pltffs from judgt of Mr Justice Mathew, dated 19 Feb, at trial in Middlesex May 14
Boden & Co v Overseers of Chard Union & Assessment Committee (Q.B. Crown side) appl of pltffs from judgt of Baron Huddleston & Mr Justice Grantham, dated 16 April, affirming Sessions order as to re-rating of machinery May 15
Gifford Fox & Co v Overseers of Chard Union and Assessment Committee (Q.B. Crown side) appl of pltffs from judgt of Baron Huddleston and Mr Justice Grantham, dated 16 April, affirming Sessions order as to re-rating of machinery, May 15
Barker v The Fleetwood Commissioners appl of defts from judgt of Mr Justice Charles, dated 5 May, at trial with a jury in Salford division May 16
Crosbie v Dobson appl of deft from judgt of Mr Justice Grantham, dated 8 Feb, at trial in Middlesex May 17
Barnes v Jeffreson appl of deft from judgt of Mr Justice Charles, dated 12 May, at trial with jury in Middlesex May 21

FROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION. (ADMIRALTY.)

For Hearing.

With Nautical Assessors.

N.B.—There are no Admiralty Appeals with Assessors at present standing for hearing.

N.B.—Admiralty Appeals without Assessors (if any) are taken in order of date of setting down in the Queen's Bench Final List.

FROM THE QUEEN'S BENCH DIVISION.

Sitting in Bankruptcy.

In re J S Ashwin Expte T S Ashwin appl of J S Ashwin from order of Mr Justice Cave, dated 10 May, rejecting evidence not filed within prescribed time

FROM ORDERS MADE ON INTERLOCUTORY MOTIONS IN THE QUEEN'S BENCH DIVISION.

Interlocutory List.

1889.

Thomas v Jenner app of Deft in person from order of Justices Denman and Charles, dated 19 June, 1889, refusing new trial—action tried by Mr Justice Grantham at Cardiff (restored after security given but not before June 9)

1890.

Waterford Steam Co ld v Abercarn Coal Co ld appl of Deft from order of Justices Denman and Wills, on April 16, refusing new trial—action tried by Mr Justice Charles at Liverpool April 25
Booth v Boutflower appl of Defts from Justices Vaughan Williams and Lawrance, on appln for new trial affirming findings and judgment—action tried by G. W. Hemming, Esq, Q.C., in London. April 26
In re C Rede, a Solr and Solrs Act, 1888 expte Davy appl of Mr Rede from order of the Lord Chief Justice and Mr Justice Mathew, dated 17 April, striking name off Rolls May 6
Garratt v Goodsall appl of Pltff from order of Justices Cave and Lawrance, dated 23 April, refusing new trial, action tried by Mr Justice Stephen in Middlesex May 13
In re R S Hopper, a Solr, and Solrs Act, 1888 appl of Mr Hopper from order of Justices Grantham and Charles, dated 13 May, suspending practice May 19
The Coats Iron and Steel Co, ld v Hume, Webster, Hoare, & Co appl of Pltffs from the Lord Chief Justice and Mr Justice Mathew rescinding order for production of promissory notes described in notice to produce May 24

HIGH COURT OF JUSTICE.

QUEEN'S BENCH DIVISION.

TRINITY SITTINGS, 1890.

NEW TRIAL PAPER.

For Argument.

1890

(*Continued from p.* 513.)

Set down 26th April Middlesex Stevens v Marston Mr Jelf Justice Denman Motion for judgt No 3 to be argued with this motion
Set down 26th April Middlesex The Whitecross Co, ld v The Credit Lyonnais Sir C Russell Justice A L Smith
Set down 26th April Report of H W Verey, Esq, Official Referee Story v Clever Mr Lush Wilson
Set down 26th April Middlesex Porter v Wallis Mr G. M. Cohen Justice Day
Set down 28th April Middlesex Collingridge and anr v Gladstone and ors Mr R T Reid Justice Mathew Motion for judgt No 4 to be argued with this motion (See No 43)
Set down 29th April Middlesex Dow v L and N W Ry Co The Solicitor-General Justice Denman
Set down 30th April Middlesex Le Dieu v Thomas & ors Mr Shearman Justice Charles
Set down 30th April Middlesex King & Wife v Hinton & Co Mr G M Cohen Justice Charles
Set down 1st May Middlesex Campbell, Shearer & Co. v Norwood & anr Mr Hollams Justice A L Smith
Set down 1st May Middlesex Sage & Co v Lock Mr O'Flynn Justice Charles
Set down 1st May Middlesex Collingridge & anr v Gladstone & ors Mr A Russell Justice Matthew (see No 37)
Set down 3rd May Middlesex Knight v Great Northern Railway Co Mr B Parkes Justice A L Smith
Set down 5th May Middlesex Nixon v Sedger Mr Crump Justice Charles
Set down 6th May Middlesex Pile v Johnson Mr Gully Justice Charles
Set down 6th May Middlesex Roos v London & Brighton Stock Exchange Co ld Mr F. C. Gore Justice A. L. Smith
Set down 7th May Middlesex Helmore v Rees Mr Russell Biggs Justice Cave
Set down 8th May Middlesex Chaffers v Williamson & anr Pltff in person Justice Charles
Set down 9th May Middlesex Hayne v Burchell Mr Moulton Justice Cave
Set down 10th May Middlesex Abrahams v Deakin Mr Gully Justice Wills (By order)
Set down 12th May Middlesex Crisp v Thomas Mr Moorson Justice Charles Motion for judgment No 5 to be argued with this motion
Set down 14th May Middlesex Ginner & ors v King Mr Bosanquet Justice A L Smith
Set down 14th May Middlesex Harris v Watson Mr Shiress Will Justice Cave
Set down 15th May Middlesex General Mutual Investment Building Society v Gundry Mr Reid Justice Denman
Set down 15th May Middlesex Miller v Dell Mr Crump Justice Charles
Set down 15th May Middlesex Brown v Golden Valley Ry Co & ors Mr Finlay Justice Day
Set down 16th May Middlesex Scheyer v Wontner & anr Pltff in person Justice Denman
Set down 16th May Middlesex Harris v Watson Mr Finlay Justice Cave
Set down 17th May Middlesex Geohegan v Curtis Mr Waddy Justice Day
Set down 20th May Middlesex Petty v Ophir Concessions ld Mr Channell Justice Denman
Set down 23rd May Middlesex Burke v Lon Gen Omnibus Co ld Mr Lockwood Justice Day
Set down 23rd May Middlesex Madell v Thomas, Sons & Co Mr Channell Justice A. L. Smith
Set down 23rd May Middlesex Pullman v Walter Hill & Co ld Mr Lockwood Justice Day

SPECIAL PAPER.

For Argument.

1890.

Set down 20th May, due 3rd June Rowcliffe & Co Mersey Docks and Harbour Board v Brewster & ors. Points of law
Set down 21st May, due 3rd June G E Samuel v Decopix Verley et Cie v Meyer & Co ld. Special case

OPPOSED MOTIONS.

For Argument.

Wright v London Road Car Co (to be argued with Motion for New Trial No 8)
Budgett v Binnington & Co (to be argued with Motion for New Trial No 18)
Stevens v Marston (to be argued with Motion for New Trial No 33)
Collingridge and anr v Gladstone and ors (to be argued with Motions for New Trial Nos 37 and 43)
Crisp v Thomas (to be argued with Motion for New Trial No 52)
In re Arbitration between Ward and Cave
In re a Song Exp Rowley
In re a Solicitor Exp Incorporated Law Soc
Morrison, Kekewich & Co v Baring Bros and ors

Barnell v Howard and anr
In re The Middleton, &c Soc Exp Heywood
In re a Soliciter Exp Incorporated Law Soc
Hume v Somerton
Whalley v Meadows
Wright v Tottenham
Comyns v Hurst
Chambon v Heighway & anr
Ashby & Co v Haywood
Steedman v Fish
Stroud v Stroud
Kynoch & Co, ld v Gatling Arms, &c. Co
Warner v Trent
Whitaker v Foakes
Hamlyn v Offord
In re Arbitration between McClean & Co and Marcus
Foster v Kelland
Assicurazioni Generali & ors v The ss. "Bessie Morris" Co, ld
Hartmont v Eisler
Goddard & ors v Hill
In re a Solicitor Expte Incorporated Law Soc
In re Arbitration between Gallop and the Central Queensland Meat Export Co, ld
May & anr v Dunhill
Miles Bros & Co v Solombria SS Co ld
Thornton v Green & anr
Emmott & Co v Walters
Harris v Watson
Nicols v Mansel
Barons v The Sortridge Mining Co ld
In re Arbitration between Blanchard and the Society of the Sun Fire Office
Horridge & anr v Howlet & Son
The Western National Bank of the City of New York v Perez Triana & Co.

CROWN PAPER.

For Judgment.

The Queen v Barnardo (In re Jones—c a v May 16th, coram Lord Coleridge, L C J, and Mathew, J)

For Argument.

Glamorganshire, Swansea Usher & Co, ld v Hall County Court plts' app H H Judge Williams
Met Pol Dist Fortescue v Vestry of St Matthew, Bethnal Green Magistrate's case
Staffordshire, Derbyshire In re Local Government Act, 1888 (between Stafford & Derby County Council) Questions under Local Government Act, 1888
Northumberland The Queen v Wallsend Slipway, &c Co ld Nisi to quash order of Assize for costs
Same The Queen v North-Eastern Marine, &c Co ld Nisi to quash order of Assize for costs
Essex, Southend Southend Local Board v Blackborne & anr County Court Defendant Blackborne's appeal
Middlesex, Westminster Nicholls v Chapman County Court plt's app
Hampshire, Basingstoke Oakshott & anr v Harris County Court plts' app
Cheshire, Birkenhead Waters v Poulson County Court deft's app
Plymouth Sutton Harbour, &c Co v Guardians, &c of St Andrew and Charles Quarter Sessions Appellants' nisi to quash
Leeds Mellors v Thornton Magistrate's case
Middlesex, Bow Lock v Westwood & Co County Court defts' app
Surrey, Lambeth Vipont v Butler County Court deft's app
Met Pol Dist St Martin's Vestry v Gordon Magistrate's case
Ilford Cass v Eccles Hundred Court plt's app
London Bolton (trading, &c) v Legg Mayor's Court deft's app
Staffordshire Williams v Churchwardens, &c of Parish of Wednesbury & ors Quarter Sessions Appellant's nisi to quash
Hampshire, Basingstoke The Queen v Judge of the County Court of Hampshire, holden at Basingstoke & Ekens (ex pte Cooper & Son) Nisi to hear, &c action
Lancashire, Manchester Greenwood v Mendelsohn County Court deft's app
Middlesex, Shoreditch Langley v Offen & Moore County Court deft's app
London Company of Heritable Proprietors v Watson (exor & c) County Court plts' app
London The Queen v Judge of City of London Court and Owners of SS "Michigan" (ex pte Barnes) Nisi to hear action
West Ham Rollos v Newell Magistrate's case
Sussex, Brighton Moore & anr v Gamgee Summons for prohibition, referred by Hawkins, J
London Rundle v Fuller & anr (trading, &c) Mayor's Court plt's app
Durham, Stockton on Tees and Middlesbrough Robinson v Thompson County Court deft's app
Nottinghamshire, Nottingham Baines & anr v Cox County Court deft's app
Middlesex, Shoreditch Brooke v Ramsden & anr County Court plts app H H Judge Prentice
Met Pol Dist Crane v Lawrence Magistrate's case
Surrey, Farnham Hickley v Greenwood County Court plt's app
Middlesex, Westminster Hayes v Bowles County Court plt's app H H Judge Bayley
Middlesex, Whitechapel Park v Lion Bros County Court defts' app
Folkestone Pearson v Fagg Magistrate's case
Lancashire, Manchester Stavert v Willans County Court deft's app
Middlesex, Whitechapel Pyke & anr v De Lesuw (Henderson & anr clmts) County Court plts' app
Yorkshire, Huddersfield Alton & Co v Elliott & Co County Court plts' app
Kent, Greenwich Trapnell (trading, &c) v Bridge County Court deft's app
Lancashire, Manchester Dibb v Fergusson County Court Plaintiff's app
Monmouthshire, Newport The Queen v. Registrar of the County Court of Monmouthshire, holden at Newport, and Aberdeen and South Wales Monumental Co. (expte. Jones) Nisi to summon jury
London The Queen v Judge of City of London Court and Paul Hecker and Co. (expte. Forbes & ors.) Nisi to hear action
London The Queen v Subtil Summons for certiorari for indictment Referred from Chambers
Blackpool Loftus v Higgins Magistrate's case
Blackpool Same v Gleave Magistrate's case
Chichester Huth v Clarke Magistrate's case
Staffordshire, Stafford Hughes v Smallwood (Sladen & anr, clmts.) County Court Claimants' app
Surrey, Wandsworth Francis v McDougall County Court Deft's app
Middlesex, Clerkenwell Symonds v Arnold & anr. County Court Plt's app
Preston Beetham v Horrocks, Crewdson & Co Magistrate's case
Middlesex, Clerkenwell Fenton & Sons v Blythe & Co. (Collard, clmt.) County Court Plt's app
London West Ham Union v Guardians, &c. St. Giles-in-the-Fields, &c. Quarter Sessions Special case Appellants' nisi to quash
London The Queen v Keepers of the Peace, &c. of London (expte. Vestry of Fulham) Nisi to hear app
Gateshead The Queen v Barkus, Esq & ors Jj, &c (ex pte Appleyard) Nisi to hear application
Lincolnshire The Queen v North Kelsey Burial Board Nisi for mandamus to apply to bishop to consecrate part of burial ground at instance of Secretary of State
Norfolk Adcock v Murrell Magistrate's case
Herefordshire The Queen v Hereford County Council (ex pte Bulmer) Nisi for mandamus to pay pension
Middlesex, Clerkenwell Vacuum Oil Co v Drummond (trading, &c) County Court deft's app H H Judge Eddis
Yorkshire, Halifax Brear v Hirst Bros County Court plt's app
Liverpool The Queen v T Raffles, Esq, Stipendiary Magistrate, and Bower (ex pte London & Lancashire Fire Insce Co) Nisi to state case
Same The Queen v Same (ex pte Kent Fire Insce Co) Nisi to state case

REVENUE PAPER.

Causes for Hearing.

Attorney-Gen v Mayor, &c, of Hythe & anr By English information
Attorney-Gen v De Burton & ors By English information and Supplemental Order

Cases as to Income Tax, Stamp and Corporation Duties.

Whitehead, applt, and Wilson (Surveyor of Taxes), respt
North British Water Gas Syndicate, ld, applts, and Commissioners of Inland Revenue, respts
In re Duty on the Bootham Ward Strays, York

WINDING UP NOTICES.

London Gazette.—FRIDAY, May 30.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

DWARFSFONTEIN GOLD MINING CO, LIMITED—Creditors are required, on or before August 30, to send their names and addresses, and particulars of their debts or claims, to Frederick William Sellick, 26, Austinfriars
PUBLIC WORKS AND CONTRACT CO, LIMITED—Stirling, J, has, by an order dated May 10, appointed Mr Frederick Bertram Smart, 22, Queen st, to be official liquidator Creditors are required, on or before June 30, to send their names and addresses, and the particulars of their debts or claims, to the above Thursday, July 10, at 12, is appointed for hearing and adjudicating upon the debts and claims
SORTRIDGE TIN MINING CO, LIMITED—Petn for winding up, presented May 14, directed to be heard before North, J, on June 7 Powell & Burt, St Swithin's lane, solors for petner
UNITED BROTHERS ASSURANCE CO, LIMITED—Petn for winding up, presented May 13, directed to be heard before Kay, J, on Saturday, June 7 Hamlin & Co, Fleet st, solors for petner

FRIENDLY SOCIETIES DISSOLVED.

LODGE UNITY, 1, UNITED PORTERS FRIENDLY SOCIETY, Bethel, Castle st, Plymouth May 28
SOCIETY OF UNITED BRETHREN, White Hart Inn, Llandovery, Carmarthen May 16

London Gazette.—TUESDAY, June 3.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BISHOPS CREEK GOLD MINING CO, LIMITED—Kay, J, has, by an order dated May 8, appointed Alexander William Payne, 70, Finsbury pavement, to be official liquidator
LANDED ESTATES AGENCY, LIMITED—Petn for winding up, presented June 2, directed to be heard before North, J, on Saturday, June 14 Paterson & Co, Lincoln's inn fields, agents for Wilson & Co, Preston, solors for petnrs
QUEENSLAND QUICKSILVER ESTATES, LIMITED—Stirling, J, has, by an order dated May 13, appointed Frederick Whinney, 8, Old Jewry, to be official liquidator
SORTRIDGE TIN MINING CO, LIMITED—Petn for winding up, presented May 30, directed to be heard before North, J, on Saturday, June 14 Law & Worssam, Holborn Viaduct, agents for Bond & Pearce, Plymouth, solors for petnr
THE LUNDY CABLE CO, LIMITED—Creditors are required, on or before June 30, to send their names and addresses, and the particulars of their debts or claims, to Herbert Joseph Goss, 59, Wind st, Swansea
THE SPES BONA BULTFONTEIN DIAMOND MINING CO, LIMITED—Creditors are required, on or before August 20, to send their names and addresses, and the particulars of their debts or claims to Mr. J. A. J. Shaw, 23, Queen Victoria st

FRIENDLY SOCIETIES.

SUSPENDED FOR THREE MONTHS.

BLOSSOM OF FRIENDSHIP LODGE, White Hall Inn, Hipperholme, Halifax, York May 29
SOCIETY OF THE CARDIGION OF NANT PADARN, Gwastadnant, Llanberis, Carnarvon May 29

CREDITORS' NOTICES.

UNDER ESTATES IN CHANCERY.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, May 30.

MORGAN, CAROLINE, Frondewi, Llanddewy brifi, Cardigan. June 24. Thomas v Thomas, Chitty, J. Lloyd & Son, Lampeter

London Gazette.—TUESDAY, June 3.

NICHOLSON, JAMES, Old Cassop, Durham, Farmer. June 26. Bell & Longstaff, Registrar, Durham. Chapman, Durham

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, May 27.

ALLCOCK, GEORGE, Moseley, Worcs, Gent. Aug 1. Hadley, Birmingham

ALLISON, TIMOTHY, New Leeds, Leeds, Gent. June 2. Lake, Wakefield

BARLOW, JOSEPH THOMAS, Tuffnell pk rd, Holloway, Esq, formerly Builder. June 23. Burton & Co, Lincoln's inn fields

BARRACLOUGH, ARTHUR, Brighouse, Yorks, formerly Innkeeper. June 2. Lake, Wakefield

BELL, MARY, Wigton, Cumberland. June 27. Jackson, Carlisle

BENSON, MARGARET, Westbourne cres, Hyde pk. July 5. Brooks & Co, Godliman st, Doctor's commons

BOYCE, HUGH WOOLLCOMBE, Southam, Glos, Captain in the 6th Dragoon Guards. June 30. Ticehurst & Sons, Cheltenham

BURDON, MARY COTSFORD, Castle Eden, Durham. July 1. W. W. & T. P. Bruntou, West Hartlepool and Castle Eden

CHAPMAN, WILLIAM, Albert st, Regent's pk, Surgeon Dentist. June 30. Dod & Co, Berners st

COLES, ALFRED, Thornton rd, Clapham pk, Hon Colonel 2nd V B East Surrey Regt. July 1. Baileys & Co, Berners st

ELKINGTON, WILLIAM, Lichfield, Esq. July 1. Russell, Lichfield

EVERETT, Rev THOMAS ELLIS, Hereford. June 30. Rowcliffes & Co, Bedford row

GREAVES, RICHARD PROCTOR, Tingewick, Bucks, Farmer. Fortescue & Sons, Banbury

GREENHOUSE, RICHARD, Wolverhampton, Licensed Victualler. June 24. Willcock, Wolverhampton

HACKER, AGNES HEATHCOTE, East Bridgford Old Hall, Notts. July 10. Hacker & Allen, Leek, Staffs

HAMMOND, HENRY, Hatfield Broad Oak, Essex, Farmer. July 1. Baker & Thorneycroft, Bishops Stortford

HARGREAVE, MARTHA ANN, Leeds, Beerhouse Keeper. June 24. T & H Greenwood Teale, Leeds

HARGREAVE, MARY, Hunslet, Leeds. June 24. T. & H. Greenwood Teale, Leeds

HARGREAVE, WALTER, Hunslet, Leeds, Beerhouse Keeper. June 24. T. & H. Greenwood Teale, Leeds

HEAL, JOHN, Brighton, retired Butler. June 24. Fletcher, Clifford's inn

HEATHCOTE, CHARLES THOMAS, Raleigh Castra, Tasmania, Major General, C.B. July 12. Wilde & Co, College hill

HININGS, GEORGE, Pudsey, Yorks, Gent. June 21. Harrison & Lupton, Leeds

JAMES, EDWARD, Binegar, Somerset, retired Innkeeper, July 10. Dunn, Frome

KETTERITZ, BERNARD JULIEVITCH, Florence, Italy, retired Colonel in Russian Army. June 30. Leman, Lincoln's inn fields

MAGOVERN, JANE, Clifton, Bristol. June 28. Gill & Bush, Bath

MITCHELL, JAMES, Brighouse, Yorks, Gent. Aug 1. Ayrton, Brighouse

MORTON, FRAZER, Egremont, Chester, Provision Merchant. June 30. Jones & Co, Liverpool

OSMENT, JOHN, Poole, Dorset, Bootmaker. July 24. J. H. Boyt, Poole

QUILLIAM, ROBERT, Liverpool. July 22. Quilliam, Liverpool

RAINCOCK, SOPHIA, Raymond bldngs, Gray's inn. July 24. Fleming, Trinity sq, Southwark

RAYWELL, CHARLES, Kingston upon Hull, Saw Mill Proprietor. July 1. Tenney & Co, Hull

RIPPON, NICHOLAS, West Hartlepool, Master Mariner. June 24. Fryer, West Hartlepool

ROBERTS, JOSEPH, Cannonbury st, Islington, Master Mariner. July 4. Partington & Allen, Manchester

ROBERTS, THOMAS, Burnley, Gent. June 30. Haworth & Broughton, Accrington

ROLLESTON, HARRIET, Regent's pk rd, St Pancras. June 30 Paterson & Co, Lincoln's inn fields

SCOTT, JOHN OLIVER, Newcastle on Tyne, Coal Owner. July 26. Chartres & Youll, Newcastle on Tyne

SHEATE, JOHN, Somerton, Somerset, Miller. June 24. Hill & Son, Langport and Somerton

SHEPHERD, FREDERICK EDWARD, Beverley, Yorks, Retired Lieut.-Colonel. June 30. Watney & Co, Lombard ct

SMYTH, JAMES WILLIAM, Adam's gdns, Rotherhithe. June 30. Fuller, Coleman st

STANDLEY, ELIZABETH, Lichfield. July 1. Russell, Lichfield

TRELOAR, ELISABETH, Weston super Mare. July 10. Gwynne & Co, Bristol and Weston super Mare

VOOT, GEORGES, Laurence Pountney lane, Cannon st. June 30. Hannay, Coleman st

WATSON, CHARLES, Devonport st, Paddington, Estate Agent. June 23. Petch & Smurthwaite, Bedford row

WELDRICK, JOHN WORTHINGTON, Lichfield, Coachbuilder. July 1. Russell, Lichfield

London Gazette.—FRIDAY, May 30.

ASHLADE, RAWSON, Green Park chmbrs, Piccadilly, Major General in H M's Army. July 1. Arnold & Co, Carey st, Lincoln's inn

BAILEY, CHARLES GEORGE, Bournemouth, Plumber. June 24. J & W H Druitt, Bournemouth

BROCK, SAMUEL, Lowestoft, Gent. June 17. Nicholson, Lowestoft

BULL, MARY, Margate. June 25. Tiddeman & Briggs, Finsbury square

CHALLEN, JOHN, Brighton, retired Oyster Merchant. July 21. Evershed & Shapland, Brighton

CHILDERS, FRANCES, South Belmont, Doncaster. June 30. Baxter & Co, Doncaster

COMMELINE, THOMAS, Clifton, Bristol, retired Bank Manager. July 5. Crossman & Lloyd, Thornbury, R.S.O., Glos

DOBSON, GEORGE MATTHEW, Leyburn, Yorks, Wine Merchant. June 30. Chapman, Leyburn

FITZGERALD, ELEANORA CAROLINE ARABELLA, Kilkee, co Clare, Ireland. July 15. Warner, Quality ct, Chancery lane

GRAHAM, MARY, Harlesden. July 7. Langlois & Bidew, Leadenhall st

HEAL, ANNE STANDERWICK, Finchley. June 30. Merriman & Co, Austin friars

HOWELL, WILLIAM, Kennington pk rd, Gent. July 1. Potter & Co, King st, Cheapside

JOHNSON, MARY ANN, Haselville rd, Hornsey. July 10. Gosnell, Finsbury pavement

KNOTT, JAMES, West Gorton, nr Manchester, Brewer. July 14. Darnton & Bottomley, Ashton under Lyne

KNOWLES, CHARLES, Wrington, Somerset, retired Architect. July 9. Poole & Son, Bridgewater

LANE, THOMAS, Barnstaple, Wine Merchant. June 24. Pitts & Co, Barnstaple

LANGLEY, HARRIET, River, nr Dover. July 1. Fielding & Son, Dover

LEE, SARAH, High st, Aldgate, Confectioner. July 1. Thomsons & Co, Cornhill

LOWE, FRANCES, Wrexham. June 23. James & James, Wrexham

MILLING, ARTHUR, Harrogate, Gent. June 10. Milling & Compston, Leeds

MILLS, ANNIE FLEETWOOD, Richmond, Surrey. June 28. Tempany & Co, Bedford row

MORGAN, JUNIUS SPENCER, Old Broad st, Merchant. July 12. Bircham & Co, Winchester House, Old Broad st

MORLEY, SAMUEL, Ashe, nr Derby, Esq. June 24. Parr & Butlin, Nottingham

NOBLE, THEOPHILUS CHARLES, Greenwood rd, Dalston, Author. July 12. Fletcher, Clifford's inn

PETERS, Rev THOMAS, Bath. July 20. Hayward, Chancery lane

PRANCE, Rev CLEMENT HOWARD, Annesly Vicarage, Notts. July 12. Trinders & Co, Cornhill

RAYNHAM, JOHN, Chase Side, Enfield, Gent. July 10. Moodie & Mills, Basinghall st

WALTERS, EDWIN, Finsbury sq, Silk Manufacturer. July 18. Shepheards, Finsbury circus

WARDEN, GEORGE ARCHIBALD, Seascale, Cumberld, Esq. July 3. Burch & Co, Spring grdns

WHITE, ENOCH, Bournemouth, Nurseryman. June 24. J. & W. H. Druitt, Bournemouth

WHYTE, JOHN JAMES, Newtown Manor, Co Sligo, Ireland. June 30. Goldring & Co, Abchurch lane

WILSON, JAMES, Doughty st, M R C.S. July 7. Bird & Eldridge, Great James st, Bedford row

London Gazette.—TUESDAY, June 3.

ANTHONY, JOHN HOLLIS, Much Hadham, Herts, Esq. Aug 31. Shaen & Co, Bedford row

BAILEY, THOMAS, Earley, Berks, Gent. June 30. Norton & Co, Old Broad st

BARNES, MARY, Gainsborough. June 28. Robbs & Forrest, Gainsborough

BODDAM, ELIZA FRANCES, Windsor. June 30. F. J. & G. J. Braikenridge, Barlett's bldngs

CADOGAN, EDWARD, Wicken Rectory, nr Stony Stratford, Clerk in Holy Orders. July 31. Bridgman & Willcocks, College hill, Cannon st

CHRISTY, STEPHEN, Bramall, Chester, Esq. July 1. Murray & Co, Birchin lane

CRAIG, JOHN, Podmore Hall Collieries, Staffs, Colliery Proprietor. June 30. Bircham & Co, Old Broad st

CROYDEN, CHARLES, Wigmore st, Cavendish sq, retired Chemist. July 14. Stock, Bridge chmbrs, Queen Victoria st

DIXON, CHARLOTTE, Royal Leamington Spa. July 10. Overell & Son, Royal Leamington Spa

DOHERTY, JOHN CANNING, Birmingham, Registrar of High Court of Justice, Probate Division. July 16. Burch, Spring gardens

DOVE, ELIZABETH, Queensberry place, South Kensington. June 7. Benett, Devonport

EGLINTON, HENRY ARKLEY, Norwood, Surrey. June 12. Johnson & Co, Austin friars

FINUCANE, PATRICK, Huddersfield, Draper. July 12. Piercy, Huddersfield

GAMON, MARY ANN, Strood, Kent. June 25. Robinson, Strood

GOULTER, CHARLES HENRY, Arthur rd, Norbiton, Kingston on Thames. July 9. Durham, Kingston on Thames

GRANT, THOMAS, Bhagulpore, Bengal, Esq. July 15. Lattey & Hart, Devonshire sq, Bishopsgate

HALL, ARTHUR AUGUSTUS, Stock Exchange, Share Dealer. July 15. Billinghurst & Co, Bucklersbury

HALL, GEORGE, Fartown, Huddersfield, Chemist. June 30. Booth, Huddersfield

HALL, JOSEPH, Tynemouth, Gent. July 15. Hallett & Dale, North Shields

HAY, JOHN, Newcastle upon Tyne, Carver. Aug 1. Maddison, Durham

HOGG, ADAM, Tweedmouth, Northumberland, retired Farmer. July 1. Rowell, Newcastle on Tyne

HUNT, JOSEPH, Gainsborough, Grocer. July 29. Robbs & Forrest, Gainsborough

HUNT, WILLIAM, Kempson rd, Fulham, Gent. July 1. Hopwood & Son, Chancery lane

HUXTABLE, ELIZABETH MARY, Bedford row, Clapham. July 4. Rawlinson, New Broad st

LEE, WILLIAM, Durham, Dyeware Grinder. June 14. Chambers, Durham

LETT, URANIA FRICKER, Dulwich House, Herne hill. July 15. Young & Co, St Mildred's ct, Poultry

LINDLEY, THOMAS, Kingston upon Hull. July 8. Thompson & Co, Hull

MELTON, JOHN, Newman st, Oxford st, Gent. Aug 8. Powell, Old Burlington st

RAWLINSON, JAMES, Skerton, Lancaster, Gent. June 30. Tyson, Dalton in Furness

SCHOOLING, HENRY FREDERICK, South Lambeth rd, formerly Licensed Victualler July 3. Taylor, Lincoln's inn fields

SHAW, WILLIAM, Geelong, Victoria, Medical Doctor. July 15. Sladen & Wing, Delahay st, Westminster

SHERIDAN, HENRY BRINSLEY, Vauxhall Bridge rd. July 7. Oddy, Lombard st

SINGLE, THOMAS, Sidney Lodge, Wimbledon common, Esq. July 11. Cookson & Co, Lincoln's inn fields

SMITH, SAMUEL, South Yarra, nr Melbourne, Victoria, Gent. July 15. Sladen & Wing, Delahay st, Westminster

STEDMAN, ELLA MARION, Horsham, Sussex. June 24. Rawlinson & Butler, Horsham

STONE, DAVID HENRY, Bucklersbury, Alderman. July 15. Billinghurst & Co, Bucklersbury

SUPPLE, MARIA HOSSANAH, Aynhoe rd, West Kensington. July 4. Morse & Co, King st, Cheapside

TORRY, CHARLOTTE, Gainsborough. July 29. Robbs & Forrest, Gainsborough

YORKE, JOHN, Plas Newydd, Llangollen, Denbigh, General in H. M. Army, C.B. July 15. Hardisty & Co, Great Marlborough st

BANKRUPTCY NOTICES.

London Gazette—FRIDAY, May 30.

RECEIVING ORDERS.

BROWN, HARRY, Rhyl, Hotel Keeper Bangor Pet May 27 Ord May 27

COCKS, JOHN, Kettering, Northamptonshire, formerly Farmer Northampton Pet May 22 Ord May 22

HILL, WALTER BICKLEY, Henley on Thames, Oil Merchant Reading Pet May 23 Ord May 23

HILLIARD, AUGUSTUS JOHN, Victoria Dock road, Licensed Victualler High Court Pet May 28 Ord May 28

HOLMAN, WALTER GEORGE, Wednesbury, Jeweller Walsall Pet May 22 Ord May 22

HOPKINS, JAMES WILLIAM, Wilton, Wilts, Builder Salisbury Pet May 27 Ord May 27

JONES, JAMES, and FREDERICK EUGENE, JONES, Great Malvern, Tailors Worcester Pet May 27 Ord May 27

JONES, JOHN, Lambeth walk, Greengrocer High Court Pet May 28 Ord May 28

LLOYD, JAMES HENRY, the Parade, Enfield, Manufacturer High Court Pet May 10 Ord May 28

LYONS, ABRAHAM, Hackney road, Broker High Court Pet May 5 Ord May 28

MANNING, W. P., Coverdale rd, Uxbridge rd, Bank Clerk High Court Pet May 5 Ord May 28

NORMAN, FREDERICK, Upham pton, nr Ombersley, Worcs, Journeyman Baker Worcester Pet May 28 Ord May 28

PARKER, MILLS, Maidenhead, Berks, Coal Merchant Windsor Pet May 8 Ord May 24

PARSONS, CHARLES ROBERT, High st, Poplar, Baker High Court Pet May 28 Ord May 28

PEARMAN, GEORGE, late Charlotte st, Fitzroy sq, Boot Manufacturer High Court Pet May 1 Ord May 28

POLLARD, JOHN METCALFE, Chancery lane, Solicitor High Court Pet May 7 Ord May 28

POWELL, HENRY, Highbeach, nr Ruardean, Glos, Collier Gloucester Pet May 27 Ord May 27

ROCH, ALFRED GEORGE, Pembroke Dock, Grocer Pembroke Dock Pet May 27 Ord May 27

WEBB, JOHN STAMPER, Ledbury, Herefordshire, Grocer Worcester Pet May 28 Ord May 28

WRIGHT, RICHARD MATTHEWS, Ashton under Lyne, Insurance Agent Ashton under Lyne Pet May 23 Ord May 23

WRIGHT, THOMAS, Scarborough, Valuer Scarborough Pet May 28 Ord May 28

The following Amended Notice is substituted for that published in the London Gazette of March 25.

WOODWARD, SAM BARNWELL, Nuneaton, Warwickshire, Bricklayer Coventry Pet March 20 Ord March 20

The following Amended Notice is substituted for that published in the London Gazette of May 16.

WALKER, MARY, and GEORGE EDWARD WALKER, Longton, Staffs, Earthenware Manufacturers Stoke upon Trent Pet May 3 Ord May 14

FIRST MEETINGS.

BROWNE, JAMES, Shrewsbury, Proprietor of Threshing Machines June 6 at 11.30 Off Rec, Shrewsbury

BUNCH, ALFRED, Lincoln, Milliner June 6 at 12.30 Off Rec, 31, Silver st, Lincoln

COWIE, GEORGE FREDERICK CHARLTON, Middlesborough, Joiner June 10 at 11 Off Rec, 8, Albert rd, Middlesborough

EDWARDS, EDWARD, Colfe rd, Perry Vale, Forest Hill, Commercial Traveller June 6 at 10.30 Bristol Arms Hotel, Bridgwater

EDWARDS, EDWARD THOMAS WATKINS, Abergavenny, Mon, Superannuated Supervisor of Excise June 11 at 12 Off Rec, Merthyr Tydfil

FATHERS, JOHN, Hethe, Oxon, Builder June 11 at 12 1, St Aldate's, Oxford

FITZGERALD, JOSEPH PEARSON, Woking, Surrey, Timber Merchant June 9 at 12 24, Railway Approach, London Bridge

FOX, CHARLES, Great Ashfield, Suffolk, Grocer June 10 at 2.30 Guildhall, Bury St Edmunds

HAMMOND, GEORGE WILLIAM, Ripon, Yorks, Dentist June 16 at 12 Court House, Northallerton

HARRIS, HENRY, Blaina, Mon, Engineman June 11 at 3 Off Rec, Merthyr Tydfil

HEATON, JOHN WILLIAM, Eccleshill, Yorks, Licensed Victualler June 13 at 11 Off Rec, 31, Manor row, Bradford

HOLMAN, WALTER GEORGE, Wednesbury, Jeweller June 18 at 11.15 Off Rec, Walsall

IBBERSON, WILLIAM HENRY, Sheffield, Provision Dealer June 6 at 3 Off Rec, Figtree lane, Sheffield

JACKMAN, JAMES, Landport, Saddler June 16 at 3.30 168, Queen st, Portsea

JONES, DAN, Carmarthen, Weaver June 7 at 11 Off Rec, 11, Quay st, Carmarthen

MAUGHAN, HENRY THOMAS, Marske by the Sea, Yorks, Agricultural Implement Dealer June 10 at 11 Off Rec, 8, Albert rd, Middlesborough

MERCH, JAMES, Hazelbury Bryan, Dorset, Baker June 6 at 1 Off Rec, Salisbury

PACKER, EDWIN, and FREDERICK GEORGE PACKER, Cheltenham, Builders June 7 at 4.15 County Court bldgs, Cheltenham

POWELL, CORNELIUS LE BRUN, Vauxhall Bridge rd, Gent June 12 at 12 Bankruptcy bldgs, Portugal street, Lincoln's inn fields

POWELL, HENRY, Highbeach, Ruardean, Glos, Collier June 10 at 11 Off Rec, King st, Gloucester

RUTTER, THOMAS, Stockton on Tees, Weighman June 10 at 11 Off Rec, 8, Albert road, Middlesborough

STONE, JOSIAH, and WILLIAM HUMPHRIES, The Railway arches, Hop Exchange, Southwark, Builders June 11 at 12 Bankruptcy bldgs, Portugal st, Lincoln's inn fields

TARBET, T. W., Warwick st, Regent st, Law Stationer June 12 at 12 33, Carey st, Lincoln's inn fields

TOMES, EMANUEL, Chipping Campden, Glos, Builder June 10 at 12 1, St Aldate's, Oxford

WALLIS, RICHARD, Stafford rd, Upton pk, Essex, Builder June 12 at 11 33, Carey st, Lincoln's inn fields

WORTHAM, HALE, Harrow rd, Tripe Seller June 11 at 11 33, Carey st, Lincoln's inn fields

WRIGHT, RICHARD MATTHEWS, Ashton under Lyne, Insurance Agent June 12 at 1.45 Townhall, Ashton under Lyne

ADJUDICATIONS.

BADGER, JAMES, Canterbury, Licensed Victualler Canterbury Pet May 5 Ord May 24

BANBURY, JOSEPH, Glen pk rd, Forest Gate, Builder High Court Pet Feb 19 Ord May 23

BARROW, JOHN, Seymour st, Euston rd, Licensed Victualler High Court Pet May 9 Ord May 24

BEBRO, MARCUS, Clement's lane, King William st, Financial Agent High Court Pet Jan 21 Ord May 28

BENCH, EDWARD, Ashford, Builder Kingston, Surrey Pet May 20 Ord May 23

BENNETT, THOMAS WALDRON, Lowestoft, Boatowner Gt Yarmouth Pet May 6 Ord May 23

BRADSHAWE, CHARLOTTE DOROTHY, Warwick sq, Widow High Court Pet Apr 10 Ord May 23

BROWN, ALBERT ERNEST, Sheffield, Grocer Sheffield Pet May 24 Ord May 24

BROWNE, JAMES, Shrewsbury, Proprietor of Threshing Machines Shrewsbury Pet May 24 Ord May 24

CHAMBERS, CHARLES, Crondall st, New North rd, Boot Manufacturer High Court Pet May 6 Ord May 24

CHINN, JOSEPH SAMUEL, Birmingham, Hairdresser Birmingham Pet May 1 Ord May 28

CLARKE, JOHN FREDERICK, Leeds, Professor of Music Leeds Pet May 24 Ord May 24

COCKS, JOHN, Kettering, Northamptonshire, formerly Farmer Northampton Pet May 22 Ord May 22

CRESSEY, HENRY, Leeds, Joiner Leeds Pet April 9 Ord May 23

FATHERS, JOHN, Hethe, Oxon, Builder Oxford Pet May 19 Ord May 28

GODFREY, THOMAS, Belmont grove, Turnham green, of no occupation High Court. Pet March 21 Ord May 28

HALL, CAROLINE MATILDA, Gloucester, Shopkeeper Gloucester Pet May 24 Ord May 24

HAMMOND, GEORGE WILLIAM, Ripon, Yorks, Dentist Northallerton Pet May 20 Ord May 23

HARGRAVES, SAMUEL, and MARY ELIZABETH HARGRAVES, Leicester, Boot Manufacturers Leicester Pet May 6 Ord May 21

HARRINGTON, ALLAN BALLS, Finchingfield, Essex, Grocer Chelmsford Pet May 19 Ord May 27

HEATON, JOHN WILLIAM, Eccleshill, Yorks, Licensed Victualler Bradford Pet May 23 Ord May 24

HILLIARD, AUGUSTUS JOHN, Victoria Dock rd, Licensed Victualler High Court Pet May 28 Ord May 28

HOPKINS, JAMES WILLIAM, Wilton, Wilts, Builder Salisbury Pet May 27 Ord May 27

HOPKINS, WILLIAM, Cwmavon, Glam, Tinworker Neath Pet May 24 Ord May 24

JONES, DAN, Carmarthen, Weaver Carmarthen Pet May 20 Ord May 21

JONES, JOHN, Lambeth walk, Greengrocer High Court Pet May 28 Ord May 28

LAMB, HERBERT HENNIR, Torquay, India Rubber Maker Exeter Pet May 8 Ord May 23

MARTIN, WILLIAM, Brighton, Plumber Brighton Pet May 7 Ord May 28

MAUGHAN, HENRY THOMAS, Marske by the Sea, Yorks, Agricultural Implement Dealer Stockton on Tees and Middlesborough Pet May 16 Ord May 23

MERCH, JAMES, Hazelbury Bryan, Dorset, Baker Dorchester Pet May 24 Ord May 24

MOORE, FREDERICK, Leicester, Bootmaker Leicester Pet May 2 Ord May 12

MORROW, THOMAS HENRY, Newcastle on Tyne, Grocer Newcastle on Tyne Pet May 16 Ord May 23

MYERS, JOSEPH, Duke st, Aldgate, Wholesale Optician High Court Pet April 18 Ord May 28

NORMAN, FREDERICK, Upham pton, nr Ombersley, Worcs, Journeyman Baker Worcester Pet May 28 Ord May 28

PACKER, EDWIN, and FREDERICK GEORGE PACKER, Cheltenham, Builders Cheltenham Pet May 20 Ord May 28

PALMER, ARTHUR JOHN, Long lane, Bermondsey, Oilman High Court Pet May 24 Ord May 24

PARSONS, CHARLES ROBERT, High st, Poplar, Baker High Court Pet May 28 Ord May 28

PENBERTHY, WILLIAM ARNALL, Illogan, Cornwall, Builder Truro Pet May 24 Ord May 24

PITKIN, ALFRED JOSEPH, Dunstable, Beds, Butcher Luton Pet May 24 Ord May 24

POWELL, HENRY, Highbeach, nr Ruardean, Glos, Collier Gloucester Pet May 27 Ord May 27

SABINE, EDWARD WILLIAM, Godolphin rd, Shepherd's Bush, Hotel Manager Brighton Pet May 21 Ord May 28

SHAW, SAMUEL HAMILTON, Tuebrook, nr Liverpool, Surgeon's Assistant Liverpool Pet May 22 Ord May 24

SMITH, GEORGE, Oldham, Grocer Oldham Pet May 19 Ord May 24

STONE, JOSIAH, and WILLIAM HUMPHRIES, Railway Arches, Hop Exchange, Southwark, Builders High Court Pet May 8 Ord May 27

TOMES, EMANUEL, Chipping Campden, Glos, Builder Banbury Pet May 17 Ord May 27

WALTON, ALFRED CHARLES, Pershore, Worcs, Tailor Worcester Pet May 10 Ord May 23

WEBB, JOHN STAMPER, Ledbury, Herefordshire, Grocer Worcester Pet May 28 Ord May 28

WRIGHT, THOMAS, Scarborough, Valuer Scarborough Pet May 28 Ord May 28

The following amended notice is substituted for that published in the London Gazette of March 25.

WOODWARD, SAM BARNWELL, Nuneaton, Warwickshire, Bricklayer Coventry Pet March 19 Ord March 20

London Gazette.—TUESDAY, June 3.

RECEIVING ORDERS.

ADCOCK, ROBERT MASON, Leicester, Venetian Blind Manufacturer Leicester Pet May 28 Ord May 28

BARNES, HENRY HERBERT, Brighton, Musical Instrument Vendor Brighton Pet Jan 29 Ord May 20

BLAKELEY, ALFRED, Hunslet, Leeds, Cloth Manufacturer Leeds Pet May 29 Ord May 29

BODELL, JOSEPH, Leicester, Boot Dealer Leicester Pet May 28 Ord May 28

BORRETT, JOHN, Norwich, Saw Mills Proprietor Norwich Pet May 30 Ord May 31

CORVESOR, WILLIAM, Dudley, formerly Grocer Dudley Pet May 16 Ord May 29

CUNNINGHAM, ROBERT, High rd, North Finchley, Travelling Draper Barnet Pet May 24 Ord May 24

DAVIES, THOMAS, Newent, Glos, Farmer Gloucester Pet May 16 Ord May 31

DICKINS, WILLIAM, Daventry, Northamptonshire, Shoe Manufacturer Northampton Pet May 31 Ord May 31

D'OMBRAIN, WILLIAM, Peasmarsh, Sussex, late Farmer Hastings Pet May 31, Ord May 31

ELLIS, WILLIAM THOMAS, Whitwell, Derbyshire, Farmer Sheffield Pet May 31 Ord May 31

FRAINE, JOHN NELSON, New Swindon, Wilts, Jeweller Swindon Pet May 29 Ord May 29

FREEMAN, SAMUEL SOWDEN, Bowling, Bradford, Worsted Spinner Bradford Pet May 31 Ord May 31

GREENWOOD, JOHN WILLIAM, Accrington, Beamer Blackburn Pet May 31 Ord May 31

HAYBALL, SIMEON THOMAS, Plaistow, Essex, Bootmaker High Court Pet May 29 Ord May 29

JACKSON, JOHN, Leeds, formerly Journeyman Brewer Leeds Pet May 29 Ord May 29

JACOBS, EMANUEL, Queen Victoria st High Court Pet May 16 Ord May 30

JEBB, WILLIAM, Kinver and Kingswinford, Staffs, Farmer Shrewsbury Pet May 30 Ord May 30

JONES, REES, Pantyffynon, nr Ammanford, Carmarthenshire, Woollen Manufacturer Swansea Pet May 26 Ord May 28

KUERMAN, ISRAEL MOSES, Commercial rd, Watch Jobber High Court Pet May 31 Ord May 31

LANDON, FREDERICK, Paradise st, Lambeth, Cab Proprietor High Court Pet May 30 Ord May 30

LAYTON, WILLIAM JOHN, Portsea, Bootmaker Portsmouth Pet May 28 Ord May 28

LEE, JOHN ROGERS, Croydon, Draper Croydon Pet May 27 Ord May 27

MILES, C., late of Weymouth, Draper Dorchester Pet May 1 Ord May 29

POWELL, JAMES, Yate, Glos, Carpenter Bristol Pet May 19 Ord May 29

PRITCHARD, JOHN, Bootle, Joiner Liverpool Pet May 29 Ord May 29

RATCLIFFE, CHARLES, New Brompton, Kent, Musical Instrument Dealer Rochester Pet May 31 Ord May 31

SMITH, FRANCIS, Cleethorpes, Lincs, Coal Merchant Gt Grimsby Pet May 28 Ord May 28

SMITH, JOHN, Nottingham, Hosier Derby Pet May 30 Ord May 30

STEVENS, JOHN, Quarry Bank, Staffs, Galvanizer Dudley Pet May 19 Ord May 24

TRENT, HERBERT ROBERT, Charminster, Dorset, Baker Dorchester Pet May 31 Ord May 31

WALKER, JONATHAN, Boston Spa, Yorks, late Farmer York Pet May 20 Ord May 30

WILLIAMS, EDWARD, Kenfig hill, nr Bridgend, Glam, Commercial Traveller Cardiff Pet May 28 Ord May 28

WILSON, JOHN, Leeds, Grocer Leeds Pet May 29 Ord May 29

WITT, WILLIAM FREDERICK, Brighton, Dealer in Works of Art Brighton Pet May 29 Ord May 29

WOOLLEY, GEORGE, Dresden, nr Longton, Staffs, China Manufacturer Stoke upon Trent Pet May 29 Ord May 29

FIRST MEETINGS.

ADCOCK, ROBERT MASON, Leicester, Venetian Blind Manufacturer June 12 at 12 30 Off Rec, 34, Friar lane, Leicester

ALLEYNE, JOSEPH CRADDOCK, Dudley, General Dealer June 10 at 11 Cannon st Hotel

ASHBERY, SAMUEL, Smethwick, Staffs, Pattern Maker June 16 at 10.30 County Court, West Bromwich

BALLS, WILLIAM BANNON, late of Birmingham, Ring Maker June 11 at 11 35, Colmore row, Birmingham

BEATTIE, F. J, Alexandra rd, Finsbury pk, Clerk to a Stockbroker June 10 at 12 33, Carey st, Lincoln's inn

BRUTHIN, ERNEST FREDERICK, Battersea pk rd, Clothier June 10 at 12 24, Railway approach, London bridge

BODELL, JOSEPH, Leicester, Bootdealer June 10 at 12.30 Off Rec, 34, Friar lane, Leicester

BRADDICK, LEMUEL BELL, Godolphin rd, Shepherd's Bush, Poultry Buyer to a Provision Dealer June 13 at 12.30 33, Carey st, Lincoln's inn

BROWN, ALBERT ERNEST, Sheffield, Grocer June 12 at 3 Off Rec, Figtree lane, Sheffield

CHAMBERS, GEORGE, Stratford, Essex, Saddler June 10 at 11 33, Carey st, Lincoln's inn

CLARKE, JOHN FREDERICK, Leeds, Professor of Music June 11 at 11 Off Rec, 22, Park row, Leeds

COCKS, JOHN, Kettering, Northamptonshire, formerly Farmer June 10 at 11 County ct bdgs, Northampton

COY, EDWARD, Skirbeck, Lincs, Thrashing Machine Owner June 12 at 11 Off Rec, 48, High st, Boston

CUMMINGS, HENRY, Princess's Theatre, Oxford st June 13 at 2.30 33, Carey st, Lincoln's inn fields

EARLE, SARAH JANE, Great Grimsby, late Licensed Victualler June 10 at 11 Off Rec, Trinity House lane, Hull

GILLETT, WILLIAM, Winchcomb, Glos, Brewer's Agent June 12 at 3.30 County ct bldngs, Cheltenham

GOLDMAN, MORRIS, Romford, Essex, Boot Manufacturer June 10 at 1 33, Carey st, Lincoln's inn fields

GREEN, THOMAS CLEVELAND, Wolverhampton, Commercial Traveller June 17 at 12 Off Rec, St Peter's close, Wolverhampton

HANCOCK, WILLIAM, St Paul's churchyard, Builder June 10 at 11 Bankruptcy bldngs, Portugal st, Lincoln's inn fields

HOPKINS, JAMES WILLIAM, Wilton, Wilts, Builder June 16 at 3 Off Rec, Salisbury

JEBB, WILLIAM, Kinver and Kingswinford, Staffs, Farmer June 17 at 2 Off Rec, Shrewsbury

JONES, REES, Pantyffynon, nr Ammanford, Carmarthenshire, Woollen Manufacturer June 12 at 12 Off Rec, 97, Oxford st, Swansea

LAMBERT, ALFRED JOHN, late Porchester gdns, Bayswater June 12 at 2.30 33, Carey st, Lincoln's inn fields

LAYTON, WILLIAM JOHN, Portsea, Bootmaker June 16 at 4 166, Queen st, Portsea

LEACHMAN, JOHN, Wainfleet St Mary, Lincs, Licensed Victualler June 12 at 11 Off Rec, 48, High st, Boston

LILLEY, ALFRED HENRY, Lombard st, Timber Merchant June 10 at 2.30 33, Carey st, Lincoln's inn fields

MADDAMS, FREDERICK, Sydenham, Kent, Jobmaster June 12 at 11 24, Railway approach, London Bridge

MILES, C., late of Weymouth, Draper June 11 at 12.30 Off Rec, Salisbury

MOORE, ALBERT, Norroy rd, Putney, Chemist June 11 at 12 33, Carey st, Lincoln's inn fields

OAKES, WILLIAM, Holloway rd, China Dealer June 12 at 11 Bankruptcy bldngs, Portugal st, Lincoln's inn fields

O'HANLON, JAMES, Birmingham, Baker June 11 at 3 25, Colmore row, Birmingham

PITTKIN, RICHARD, Craven rd, Paddington, Grocer June 11 at 11 Bankruptcy bldngs, Portugal st, Lincoln's inn fields

PLOWMAN, HARRY, New Clee, Lincs, Fisherman June 11 at 11 Off Rec, 3, Haven st, Great Grimsby

RAMMAGE, ARTHUR W., New Broad st, Civil Engineer June 11 at 2.30 33, Carey st, Lincoln's inn fields

SCHNEIDER, FREDERICK BENTHAM HODGSON, Leathwaite rd, Clapham Junction, Clerk in the Eddystone Marine Insurance Co, Lim June 10 at 11 24, Railway Approach, London Bridge

SMITH, JOHN, Nottingham, Hosier June 13 at 2.30 Off Rec, St James's chambers, Derby

STEVENS, JOHN, Quarry Bank, Staffs, Galvanizer, June 12 at 2 Off Rec, Birmingham

STONE, JAMES, Watford, Herts, Painter June 11 at 12.30 Malden Hotel, Watford

WALKER, JONATHAN, Boston Spa, Yorks, late Farmer June 11 at 12.15 Off Rec, York

WILLIAMS, FRY, & Co, New Stone buildings, Chancery lane, Cement Merchants June 13 at 2.30 Bankruptcy bldgs, Lincoln's inn fields

WILSON, WILLIAM, Sandgate, Kent, Printer June 14 at 10 Bankruptcy bldgs, Lincoln's inn fields

ADJUDICATIONS.

BALLE, WILLIAM BANNON, late of Birmingham, Ring Maker Birmingham Pet May 21 Ord May 23

BAYLIS, ALFRED, Aston, Warwickshire, Coachman Birmingham Pet May 21 Ord May 27

BLAKELEY, ALFRED, Hunslet, Leeds, Cloth Manufacturer Leeds Pet May 29 Ord May 29

BODELL, JOSEPH, Leicester, Boot Dealer Leicester Pet May 28 Ord May 28

BORRETT, JOHN, Norwich, Saw Mills Proprietor Norwich Pet May 30 Ord May 31

COOK, LAURENCE HAYWARD, Amhurst rd, Hackney, Drysalter High Court Pet May 20 Ord May 30

CUNNINGHAM, ROBERT, High rd, North Finchley, Travelling Draper Barnet Pet May 24 Ord May 24

DICKINS, WILLIAM, Daventry, Northamptonshire, Shoe Manufacturer Northampton Pet May 31 Ord May 31

D'OMBRAIN, WILLIAM, Peasmarsh, Sussex, late Farmer Hastings Pet May 31 Ord May 31

ELLIS, WILLIAM THOMAS, Whitwell, Derbyshire, Farmer Sheffield Pet May 31 Ord May 31

FRAINE, JOHN NELSON, New Swindon, Wilts, Jeweller Swindon Pet May 29 Ord May 29

FULLER, JAMES HENRY, Lambourne, Essex, Butcher Chelmsford Pet May 19 Ord May 28

GILLO, WILLIAM RIVERS, Winchester, Carrier Winchester Pet April 14 Ord May 31

GREENWOOD, JOHN WILLIAM, Accrington, Beamer Blackburn Pet May 31 Ord May 31

HAYBALL, SIMEON THOMAS, Plaistow, Essex, Boot Maker High Court Pet May 29 Ord May 31

HODGKINS, CHARLES EDWARD GILBERT, Clifton, Bristol, Draper Bristol Pet May 9 Ord May 29

HOLMAN, WALTER GEORGE, Wednesbury, Jeweller Walsall Pet May 22 Ord May 23

JACKSON, JOHN, Leeds, formerly Journeyman Brewer Leeds Pet May 29 Ord May 29

JONES, REES, Pantyffynon, nr Ammanford, Carmarthen, Woollen Manufacturer Swansea Pet May 26 Ord May 28

KETTLE, CHARLES, Townshend rd, St John's Wood, Boot Maker High Court Pet May 6 Ord May 30

KURMAN, ISRAEL MOSES, Commercial rd, Watch Jobber High Court Pet May 31 Ord May 31

LANDON, FREDERICK, Paradise st, Lambeth, Cab Proprietor High Court Pet May 30 Ord May 30

LAVENDER, THADDAUS JOHN, the Pavement, Clapham, Trunkmaker Wandsworth Pet May 21 Ord May 29

LAYTON, WILLIAM JOHN, Portsea, Boot Maker Portsmouth Pet May 21 Ord May 28

LLOYD, JAMES HENRY, The Parade, Enfield, Manufacturer High Court Pet May 10 Ord May 31

REYNOLDS, JABEZ, Grosvenor rd, Pimlico, Builder Tunbridge Wells Pet April 1 Ord May 30

SMITH, FRANCIS, Cleethorpe, Lincs, Coal Merchant Great Grimsby Pet May 28 Ord May 28

SMITH, JAMES, Ashley Box, Wilts, Builder Bath Pet May 5 Ord May 29

SMITH, JOHN, Nottingham, Hosier Derby Pet May 30 Ord May 30

STAGG, ADOLPHUS, and FRANK STAGG, Sheffield, Steel Manufacturers Sheffield Pet May 9 Ord May 29

STEVENS, JOHN, Quarry Bank, Staffs, Galvanizer Dudley Pet May 19 Ord May 24

TRENT, HERBERT ROBERT, Charminster, Dorset, Baker Dorchester Pet May 31 Ord May 31

WELLS, GEORGE H., Cornwall road, Notting Hill, Financial Agent High Court Pet Nov 27 Ord May 29

WILLIAMS, EDWARD, Kenfig Hill, nr Bridgend, Glam, Commercial Traveller Cardiff Pet May 27 Ord May 28

WILSON, JOHN, Leeds, Grocer Leeds Pet May 29 Ord May 29

WITT, WILLIAM FREDERICK, Brighton, Dealer in Works of Art Brighton Pet May 29 Ord May 29

WOOLLEY, GEORGE, Dresden, nr Longton, Staffs, China Manufacturer Stoke upon Trent Pet May 29 Ord May 29

WRIGHT, JOHN, Cannock, Staffs, Butcher, Walsall Pet April 14 Ord May 14

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

ELLIOTT.—June 2, at East Finchley, the wife of George Elliott, of the Inner Temple, Esq., barrister-at-law, of a son.

FREEMAN.—May 30, at Bassett-road, W., the wife of G. Broke Freeman, of Lincoln's-inn, barrister-at-law, of a daughter.

FRYER.—May 28, at Pembridge-place, Bayswater, the wife of G. E. S. Fryer, of the Inner Temple, barrister-at-law, of a daughter.

PEARSON.—May 28, at West Garth, Malton, Yorks, the wife of Hugh W. Pearson, solicitor, of a daughter.

DEATHS.

WOOD.—May 29, at Edinburgh, John Andrew Wood, advocate.

WOODCOCK.—May 29, at Caroline-place, W.C., Joseph Woodcock, solicitor, aged 79.

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